

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING  
JUNE 1, 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, Township Engineer and Chief of Police Jay McKeen.

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 this notice, along with an agenda of this meeting, to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 PM on June 1, 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 Mr. Silva, 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 are hereby added to the agenda for consideration and action to be taken thereon tonight:

- 7A: (1) Tilly's – retail clothing- Hamilton Mall
- (2) KK Cleaners – home office in Galloway – cleaning done in Hamilton Twp
- (3) Island Sun Tanning- tanning salon- new owner
- 7K: Resolution providing for the combination of certain issues of General Improvement Bonds of the Township of Hamilton into a single issue of bonds aggregating \$6,860,000. in principal amount.
- 7L: Resolution determining the form and other details of \$6,860,000. General Improvement Bonds of the Township of Hamilton and providing for their sale.

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

Early Public Comment

Mr. Richard DeSantis stated that he had four problems with trucks coming down Gale Ave. One, it is a country lane not a truck route. Two, the peace and tranquility will be destroyed after the residents have made an investment in their homes. Three, there is a safety issue. Four, they were assured in 2001 that this was resolved.

Mr. Lafferty gave a background of the history of the 2001 Ordinance concluding with the fact that the DOT does not have time to review the ordinance.

Mr. Silva asked if the residents had complained about speeding on the road. Mr. DeSantis said that yes they had with no results and added that school buses were speeding also. The Police Chief stated that he would look into whether the buses were using Gale Ave. because of the weight limit on the bridge. Mr. Pritchard stated that the problem is that the bridge can't be replaced because of historical reasons.

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Ms. Joanne Hickman said that the use of Gale Ave. was supposed to be temporary and that was more than 20 years ago and added that noise would be a problem.

Ms. Tina Fetty said that she has small children that like to play in the road and that there will be safety issues exiting at either end. Ms. Fetty asked how the use only during business hours was going to be enforced and how will it be limited to just the two businesses.

Mr. Pritchard explained that right now the road is open, as the current ordinance is unenforceable.

Mr. Gaskill stated that in order to stop the truck traffic the current ordinance would have to be repealed, a traffic study done and then wait for the DOT to approve a new ordinance. Mr. Lafferty explained that the current trend in Trenton is not to restrict commercial traffic.

Mr. Silva said that the solution to this problem is the replacement of the bridge and that additional pressure has to be applied to the county on this. Mayor Gaskill agreed that the big issue is the bridge.

Miss Gatto made clear that the Township is not letting trucks on the road, they can't stop it. Miss Gatto suggested that the Township could facilitate a discussion between the neighbors and the businesses. Mr. Silva agreed with this suggestion and said the information provided by an engineers report would be needed to come up with a solution that is both right and legal.

Mayor Gaskill asked if the Gale Ave. residents would appoint a spokesperson to meet with Committeeman Silva, Committeeman Pritchard, the Township Administrator and a representative from Arawak to try to work on a solution. In response to a question from George Dirkes regarding the time frame Mr. Silva stated that it would be within a week and suggested that a County representative attend. Ms. Maria Dirkes and Ms. Brenda Williams also spoke against allowing truck traffic on Gale Ave. Chief McKeen told the residents that Lieutenant Tappeiner would meet with them after the meeting to discuss the speeding issue.

#### Discussions

#### Block 732 Lots 59,62,63,65 & 75 aka 45 Mill Street- Resolution authorizing the Planning Board to conduct an investigation to determine if the area qualifies for designation as an Area in Need of Redevelopment or an Area in Need of Rehabilitation

Phil Sartorio gave the background on this property explaining the location and stating that it is 12 ½ acres. Mr. Sartorio said that the first step requires a resolution be adopted authorizing the Planning Board to do a study and that the intention is to work cooperatively with the owners. Mr. Sartorio explained that no houses are involved and that the property owners are looking to come in with a mixed use complementary to what is being done across the street. In response to a question from Mr. Silva, Mr. Sartorio said that he was aware of no environmental issues.

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

A RESOLUTION DIRECTING THE PLANNING BOARD OF THE TOWNSHIP OF HAMILTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF BLOCK 732 LOTS 59, 62, 63, 65 & 75 QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT OR REHABILITATION

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WHEREAS, redevelopment and/or rehabilitation are processes which can be used by local government to transform an underutilized or distressed area into an economically viable and productive part of the community, and

WHEREAS, the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) provides municipalities with the authority to designate areas in need of redevelopment, or alternately areas in need of rehabilitation, based on the criteria set forth in the law, and

WHEREAS, the procedures set forth in the Local Redevelopment and Housing Law require the governing body to direct the Planning Board to conduct a preliminary investigation and hold a public hearing to determine if an area is an area in need of redevelopment, and

WHEREAS, based on the recommendation of the Planning Board the Township Committee may designate all or part of the subject tract an area in need of redevelopment, and

WHEREAS, the parcel identified as Block 732 Lots 59, 62, 63, 65 and 75, commonly known as 45 Mill Street, may meet the criteria to be designated as an area in need of redevelopment, or alternately an area in need of rehabilitation, as established in the Local Redevelopment and Housing Law.

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

1. The Planning Board is directed to conduct a preliminary investigation and hold a public hearing to determine if Block 732 Lots 59, 62, 63, 65 and 75 meet the criteria to be designated as an area in need of redevelopment as established under the Local Redevelopment and Housing Law.
2. If the subject tract does not meet the redevelopment criteria, the Planning Board should provide its recommendation and comment regarding qualification of the tract as an area in need of rehabilitation.
3. The Planning Board is further directed to report its findings back to Township Committee for possible further action to designate all or a portion of the designated parcel an area in need of redevelopment.

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

#### Light Pole Relocation- 3<sup>rd</sup> Street Pedestrian Bridge

Chief McKeen explained that the poles in place are no longer useable with the new bridge and that the money would come from the off site improvement fund.

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

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

#### Cove Update

Chief McKeen read a memorandum from Mr. Sasdelli which stated that \$1,244.95 had been spent for cove items and \$1173.81 had been incurred in in-kind services. The memo stated that the Township was currently advertising for 2 lifeguards and 1 Cove Manager. The memo also stated that Mr. Bruner had not gotten back to him with any candidates for the positions from the County's Supported Work Program. Miss Gatto said she had contacted Freeholders for help in contacting Mr. Bruner. Mr. Silva asked Miss Gatto if

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she would delay the opening of The Cove if the County can't fill the request. Miss Gatto said that we will have to step back and figure out what to do there, her recommendation was for the opening at the end of June to make it worthwhile for the season pass. Mr. Silva and Miss Gatto both asked for an update to be placed on every agenda.

Public Hearing/Adoption- Ordinance #1649-2009

The floor was opened for public comment on Ordinance #1649-2009

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

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

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

WHEREAS, Ordinance # 1649 was introduced and passed first reading on May 18, 2009 and was duly advertised in the May 20, 2009 issue of the Atlantic County Record for a public hearing to be held June 1, 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 # 1649-2009 be and is hereby adopted.

ORDINANCE # 1649-2009

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

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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.

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

<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>
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.

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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.
- (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

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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.

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



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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.

Township Committee of the  
Township of Hamilton,  
County of Atlantic, NJ

ATTEST:

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JOAN I. ANDERSON, R.M.C.

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NELSON GASKILL, MAYOR

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

ORDINANCE # 1649-2009 INTRODUCED AND PASSED FIRST READING ON May 18, 2009

ORDINANCE # 1649-2009 ADOPTED JUNE 1, 2009

Public Hearing/Adoption- Ordinance #1650-2009

The floor was opened for public comment on Ordinance #1659-2009

Ms. Dix reviewed the new fees and asked how much money had been collected in pre-sales and was told we had not opened for pre-sales. Ms. Dix said that she had suggested selling the badges before we had them and issuing a receipt that could later be redeemed for a badge. Ms. Dix was told that this Ordinance if passed would go into effect after publication on Wednesday. Ms. Dix asked when the badges would be sold and was told that it would be a management decision. Ms. Dix explained that the situation on Park Rd was very difficult and that the County boat comes roaring across the lake when anyone puts there toe in the water, followed by 2 SUVs speeding up and down because the Park Rangers are now in charge of the Cove. Ms. Dix said if they would have pre-sold badges there would already be enough money to open safely and questioned how the could open on a traditionally free day. Ms. Dix said she is not in favor of raising the fees when families are struggling and that she hoped the Ordinance was not passed but that she did hope the badges were sold very soon. Chief McKeen said it wouldn't be legal to sell at the higher rate until the Ordinance was passed and Ms. Dix agreed with that. Chief McKeen sad that it was his understanding that the Township Committee delegated those decisions to the Administrator and he would take these questions to the Administrator tomorrow.

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

MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”

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Mr. Pritchard and Miss Gatto agreed that they would yield to Mr. Sasdelli's decision on whether or not to sell badges early.

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

WHEREAS, Ordinance # 1650 was introduced and passed first reading on May 18, 2009 and was duly advertised 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 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 # 1650-2009 be and is hereby adopted.

**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.

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**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 all 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.

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

ATTEST:

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JOAN I. ANDERSON, R.M.C.

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NELSON GASKILL, MAYOR

**ROLL CALL:**

- Gatto “AYE”**
- Palmentieri “AYE”**
- Silva “NO”**
- Pritchard “AYE”**
- Gaskill “AYE”**

In response to several questions about who exactly was effected by Ordinance 1651, Mr. Lafferty stated that he would get back to Committee with answers.

Introduction of Ordinance #1651-2009

Miss 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 Ordinance # 1651-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 3, 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 15, 2009.

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

ORDINANCE # 1651-2009

AN ORDINANCE TO CREATE THE DEFINED CONTRIBUTION RETIREMENT PROGRAM TO PROVIDE RETIREMENT BENEFITS TO VARIOUS MUNICIPAL OFFICIALS PURSUANT TO N.J.S. 43:15C-2 ET SEQ.

WHEREAS, the State Legislature adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various municipal officials; and,

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WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS the Township Committee of the Township of Hamilton has considered the guidelines issued by the Local Finance Board;

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

SECTION 1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Township Administrator
- b. Municipal Clerk
  - Municipal Court Director
  - Chief Financial Officer
  - Director of Public Works
  - Community Development Director
  - Tax Collector
  - Tax Assessor
  - Construction Code Official
  - Fire Official
  - Public Safety Communications Supervisor
- c. Municipal Court Prosecutor
- d. Municipal Court Judge

SECTION 2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

- a. Tax Collector
- b. Chief Financial Officer
- c. Construction Code Official
- d. Tax Assessor
- e. Registered Municipal Clerk
- f. Director of Public Works

SECTION 3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

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SECTION 4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

SECTION 5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

SECTION 6. This ordinance shall take effect immediately after final passage and publication as provided by law.

ORDINANCE #1651-2009 INTRODUCED AND PASSED FIRST READING JUNE 1, 2009 WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN":

Introduction of Ordinance #1652-2009

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1652-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 3, 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 15, 2009.

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1652-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 443 LOT 7, 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.

(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>
443 / 7	\$1,500.00	Sheppard Avenue	RD-4	.516 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.

ORDINANCE #1652-2009 INTRODUCED AND PASSED FIRST READING ON JUNE 1, 2009, WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”

Introduction of Ordinance #1653-2009

Mr. Silva suggested that no action be taken until after the meeting with the neighbors and businesses involved. Mr. Pritchard said that he was concerned that leaving this ordinance would slow the process of adopting a new ordinance.

Mr. Palmentieri said that the Township did not receive approval on the present Gale Ave. Ordinance through no fault of its own, which gives us some standing. Mr. Palmentieri said he would be hesitant to remove what is in place and would like to keep this in tact as a place marker.

It was the consensus of the Township Committee to postpone acting on the Ordinance until there was a chance for the meeting between the residents; Arawak, the Administrator and Committee Member, took place.

Miss Gatto moved, seconded by Mr. Silva 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) Tilly’s – retail clothing- Hamilton Mall
- (2) KK Cleaners – home office in Galloway – cleaning done in Hamilton Twp
- (3) Island Sun Tanning- tanning salon- new owner

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize a change order in the amount of \$3,640.00 payable to Loftus Construction for the 3<sup>rd</sup> Street Bridge Project.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve Raffle License # 5-2009, for Habitat for Humanity Atlantic County an off premise 50/50 to be held September 16, 2009 at Simply Fondue.

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

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

RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER FOR EXPANSION OF PREMISES

June 1, 2009

WHEREAS, an application has been filed for a Place-to-Place/Expansion of Premises transfer of Plenary Retail Consumption License 0112-33-020-003 for purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby approve, effective June 1, 2009, the expansion of the aforesaid Plenary Retail Consumption 0112-33-020-003 licensed premises located at 2301 Route 50, Mays Landing, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the advertisement and receipt of bids for one new, demo or slightly used 105' Heavy Duty Aerial Ladder Fire Apparatus to be appropriated from the approved 2009 Capital Budget.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to waive vendor fees for Mays Landing Merchants Assoc. Hometown Celebration on June 27, 2009

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

Miss 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 it has no objection to the County of Atlantic approving the Mays Landing Merchants' Association application for closure of Main Street in Mays Landing on June 27, 2009 for their Hometown Celebration subject to Mays Landing Merchants' Association providing all insurance and indemnification required by the County of Atlantic.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the release of Liberty Mutual Insurance co. Bond # 019023856, performance guarantee for Shore Toyota's share of Volunteer Way, subject to posting the following maintenance guarantees:

- (1) a 4- year maintenance guarantee in the amount of \$10,140.84 for stormwater management



(2) a 2-year maintenance guarantee in the amount of \$32,636.45 for all other site improvements

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

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

BE IT RESOLVED, by the Township of Hamilton to authorize the release of the performance guarantee for Adolphus Hoch, Block 943 Lot 4, street opening permit and waiver of the \$50.00 Maintenance Guarantee as recommended by Dan DePasquale, Township Engineer.

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

Miss 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 Township of Hamilton Police Department is hereby authorized to sell the following abandoned or unclaimed vehicles at a public auction to be held pursuant to NJSA 39: 10A-1 et. seq. and Chapter 276-15.C, D and E of the Code of the Township of Hamilton at 10AM on Friday, June 12, 2009, in the municipal building, 6101 Thirteenth St., Mays Landing, NJ:

**Lot 1 of 1: Minimum bid: \$ 34,600.00**

<b>Year</b>	<b>Make</b>	<b>Model</b>	<b>Color</b>	<b>VIN</b>	<b>Title type</b>
<b>American Auto 3113 Rt. 50 Mays Landing, NJ 08330 (609) 965-2900</b>					
1993	Ford	Explorer	White	1FMDU32X5PUA92898	Auction
<b>Dirkes Garage 6935 Black Horse Pike Mays Landing, NJ 08330 (609) 625-1718</b>					
1996	Infiniti	SDN	Black	JNKCP01D0TT537558	Auction
1999	Ford	Taurus	White	1FAFP58SXXA306903	Auction
1996	Ford	TBD	White	1FALP6245TH113336	Auction
<b>E &amp; T Auto Body 6553 Harding Highway Mays Landing, NJ 08330 (609) 625-9883</b>					
1998	Ford	Explorer	Black	1FMZU35P6WZC31911	Auction
<b>Ed's Auto 965 Rt. 50 Mays Landing, NJ 08330 (609) 625-1332</b>					
1997	Cadillac	Seville	Black	1G6KY5293VU812955	Auction
2004	Chrysler	Sebring	Silver	1C3EL46X64N235041	Auction
2001	Suzuki	EST	Green	JS2GB41W215203095	Auction

**Lot 2 of 2: Minimum bid: \$50.00**

1989	Ford	Ranger	Green	1FTCR10A9KUC57459	Auction
1988	Ford	Ranger	White	1FTCR11T9JUD49251	Auction

BE IT FURTHER RESOLVED that notice of said sale shall be advertised in the June 3,2009 and June 10,2009 issues of the Atlantic County Record and the Atlantic City Press.

June 1, 2009

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

Miss Gatto introduced and moved the adoption of the following resolution, and Mr. Silva seconded the motion:

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$6,860,000 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Hamilton, in the County of Atlantic, New Jersey (the “Town”) authorized pursuant to the bond ordinances of the Town heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$6,860,000.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b>Principal Amount of Bonds</b>	<b>Number of Ordinance</b>	<b>Description of Improvement and Date of Adoption of Ordinance</b>	<b>Useful Life</b>
\$412,000	1531-05	Main Street road improvements, finally adopted 6/20/05	20 years
\$342,000	1553-06	Acquisition of land, finally adopted 2/6/06	40 years
\$2,571,200	1565-06	Various capital improvements, finally adopted 6/5/06	8.39 years
\$1,474,200	1607-07	Various capital improvements, finally adopted 9/17/07	7.51 years
\$40,000	1601-07	Sidewalk improvements, finally adopted 8/6/07	10 years
\$1,428,300	1625-08	Various capital improvements, finally adopted 5/19/08	10.23 years
\$592,300	1649-09	Various capital improvements, finally adopted 6/1/09	10.28 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 11.02 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES: Gatto, Palmentieri, Pritchard, Silva, Gaskill

NAYS: None.

Miss Gatto introduced and moved the adoption of the following resolution and Mr. Silva seconded the motion:

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$6,860,000 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AND PROVIDING FOR THEIR SALE.**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. The \$6,860,000 General Improvement Bonds of the Township of Hamilton, in the County of Atlantic (the "Township") referred to and described in the resolution adopted by the Township pursuant to the Local Bond Law of the State of New Jersey on June 1, 2009 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Hamilton, in the County of Atlantic, New Jersey into a Single Issue of Bonds Aggregating \$6,860,000 in Principal Amount," shall be issued as General Improvement Bonds (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on July 15 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2010	\$400,000	2015	\$800,000
2011	420,000	2016	800,000
2012	470,000	2017	800,000
2013	770,000	2018	800,000
2014	800,000	2019	800,000

The General Improvement Bonds are not subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The General

June 1, 2009

Improvement Bonds shall be ten in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-10, inclusive.

Section 2. The General Improvement Bonds are sometimes referred to hereinafter as the "Bonds".

Section 3. The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds of each issue maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of any multiple of \$1,000 (with a minimum purchase of \$5,000 required) through book-entries made on the books and records of The Depository Trust Company and its participants.

The Bonds will bear interest payable semiannually on the fifteenth day of January and July in each year until maturity, commencing on January 15, 2010, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township or a duly authorized paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of each next preceding January 1 and July 1 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or

June 1, 2009

facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:                      Date of Delivery

Interest Payment

Dates:                                  Each January 15 and July 15, until maturity, commencing on January 15, 2010.

Section 4. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver and to market the Bonds in accordance with the requirements of The Depository Trust Company and the final terms of sale:

REGISTERED  
REGISTERED  
NUMBER R-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF ATLANTIC

TOWNSHIP OF HAMILTON

GENERAL IMPROVEMENT BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
07/30/09	07/15/20__	_____ %	_____

TOWNSHIP OF HAMILTON, in the County of Atlantic, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), and to pay interest on such sum from the Dated Date of this bond at the Rate of Interest Per Annum specified above semiannually on the fifteenth day of January and July in each year until maturity, commencing on January 15, 2010. Interest on this bond will be paid to the Securities Depository by the Township or a duly appointed paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the January 1 and July 1 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

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This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted June 1, 2009 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Hamilton, in the County of Atlantic, New Jersey into a Single Issue of Bonds Aggregating \$6,860,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings").

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF HAMILTON, in the County of Atlantic, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the Dated Date as specified above.

[SEAL]

TOWNSHIP OF HAMILTON, IN  
THE COUNTY OF ATLANTIC

ATTEST:

By: \_\_\_\_\_ (Facsimile)  
Mayor

By: \_\_\_\_\_  
Clerk

By: : \_\_\_\_\_ (Facsimile)  
Chief Financial Officer

Section 5. The Bonds shall be sold on July 9, 2009 by electronic open auction with the two minute extension rule upon the terms and the conditions set forth in and described in the Full Notice of Sale authorized below and set forth in Exhibit A attached hereto (the "Full Notice of Sale"). The Full Notice of Sale shall be posted in full on Grant Street Group's MuniAuction Website ("MuniAuction"). The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized below and set forth in Exhibit B attached hereto (the "Short Notice of Sale") and the Summary Notice of Sale authorized below and set forth in Exhibit C (the "Summary Notice of Sale"). The Notices of Sale shall be posted and published as required by law not less than seven days prior to the date of sale. The full Notice of Sale shall be

June 1, 2009

substantially in the form attached hereto as Exhibit A, the Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B, and the Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C, each with such additions, deletions and omissions as may be necessary for the Township to market the Bonds in accordance with the requirements of The Depository Trust Company and MuniAuction. The Short Notice of Sale shall be published in the Press of Atlantic City and the Summary Notice of Sale shall be published in the Bond Buyer, a financial newspaper published and circulating in the City of New York, New York.

Section 6. The Township hereby designates the Chief Financial Officer as the officer to sell and to award the Bonds and to act on behalf of the Township in accordance with the Notices of Sale authorized herein, and the Chief Financial Officer shall report in writing the results of the sale to this Township Council as required by law.

Section 7. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon & Scotland, L.L.C., (“Bond Counsel”) complete except for omission of its date.

Section 8. Bond Counsel is authorized to arrange for the printing of the Bonds and the Auditor or Bond Counsel are authorized to arrange for the printing of the Official Statement to be prepared in connection with the sale of the Bonds and to arrange for the distribution of the preliminary Official Statements on behalf of the Township to those financial institutions that customarily submit bids for such Bonds. The Auditor and Bond Counsel are authorized to prepare the Official Statement necessary in connection with the issuance of the Bonds, and the Mayor and the Chief Financial Officer of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds. Bond Counsel or the



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Auditor is further authorized to arrange on behalf of the Township for a rating for the Bonds from Moody's Investors Service and/or Standard & Poor's.

Section 9. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 10. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 11. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2009, electronically to the Municipal Securities

Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) the Township's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) in a timely manner prior to July 1, 2009, to each National Repository or to the Municipal Securities Rulemaking Board, and to the State Repository, if any, and after July 1, 2009 to EMMA, notice of the following events with respect to the Bonds, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes;

(b) in a timely manner prior to July 1, 2009 to each National Repository or to the Municipal Securities Rulemaking Board, and to the State Repository, if any, and after July 1, 2009 to EMMA, notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution.

Section 12. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 13. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 14. In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 15. The Chief Financial Officer is authorized to invest the proceeds of the Bonds in investment obligations or deposits as permitted in accordance with New Jersey law.

Section 16. The Chief Financial Officer is authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds, including costs for the open electronic auction, publications, preparation and printing of the official statement, credit rating, financial advisory services, legal services and other miscellaneous costs of issuing the Bonds.

Section 17. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended, in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield

June 1, 2009

on the Bonds. The Township does not intend to issue more than \$30,000,000 of tax-exempt obligations in calendar year 2009 that would count towards the limitation imposed by Section 265 of the Code and hereby designates the Bonds as “bank-qualified” for purposes of Section 265 of the Code.

Section 18. The Chief Financial Officer and other appropriate representatives of the Township are authorized to take all other actions on behalf of the Township necessary for the sale and the delivery of the Bonds in accordance with this resolution and the investment of the proceeds thereof in accordance with the requirements of law.

Section 19. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES: Gatto, Palmentieri, Pritchard, Silva, Gaskill

NAYS: None

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve the minutes of the May 18, 2009 regular meeting

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

Miss Gatto moved, seconded by of Mr. Silva 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 671,155.80 as of May 28,2009

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

### Reports

#### Administrator

Chief McKeen announced that 2<sup>nd</sup> round of Gov Deals is complete and netted 25,000.00 in revenue.

#### Solicitor

In response to a question at last meeting regarding solicitation, Mr. Lafferty said that if a No Solicitation sign is posted there is enforcement provisions in our ordinance. If a private community is posted it is enforceable for a profit organization but that non-profits enjoy certain constitution status and protection and are problematic in municipalities. Mr. Silva asked about our 90-day provision. Mr. Lafferty said it was the effective day of the permit. Mr. Lafferty said non-profits couldn't be restricted excluding political canvassing and campaigning.

#### Engineer

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Mr. DePasquale reported that Lenape Ave. would be paved this Wednesday and Drosera got paved last week and the basement reconfiguration has been completed.

Township Committee

Mr. Palmentieri said he was sorry he missed Memorial Day services due to a back injury.

Mr. Pritchard complimented all that worked on the Memorial Day Services.

Miss Gatto also complimented everyone that worked on the Memorial Day services and reminded everyone to vote in the upcoming primary, and the Cologne BBQ Saturday.

Mr. Silva reminded everyone that the Great Egg Harbor River Group would be doing another cleanup in Mizpah and said he appreciated the work of the volunteers.

Mayor Gaskill asked for a motion to appoint Eric Aiken to the open position of the Industrial Commission.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Eric Aiken to the Industrial Commission, term to expire December 31, 2012. .

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

#### Public Comment

Mr. Gordon LeCourt and his daughter stated that since Drosera Ave. has been re-paved it is no longer wide enough for two vehicles to pass on the turn. Mr. DePasquale responded that the width of the road is corrected and is the same as any other road in town, adding that the municipality has to make the road in the right of way and does not have the right to build a road on anyone else's property. Mr. DePasquale added that stop signs would be going up which will help. Miss Le Court suggested that the owner of the property might be willing to give a portion of his property to the Township to enable a wider turn area. Miss Gatto explained that a road would have to be built to specs no matter who owned the property. Mr. DePasquale said that the Linden shoulder would be cut down and maintained by public works allowing for better sight. Mr. Silva asked if the Le Courts would be willing to try to give this a chance once the stop signs are up. Mr. Le Court responded that they would give the stop signs a chance and would appreciate the shoulder being cut back on Linden.

Ms. Cheryl Fetty suggested that the Gale Ave ordinance be resubmitted rather than starting from scratch. Mr. DePasquale suggested that the required engineer's certification would take approximately a month and cost approximately 4 to 5 thousand dollars. Mr. Lafferty stated that the DOT indicated they would prefer a new ordinance. Mr. Palmentieri said that he didn't like the idea of a new ordinance because it gives them a chance to re-start the clock. Ms. Fetty stated that a private resident put that bridge on the Historic Register not the Historic Preservation Commission. Ms. Fetty said that she has been told the property maintenance code can't be enforced because there is no money to do it and it was put on the back burner. Ms. Gatto said that we don't put anything on the back burner.

An unidentified resident of Gale Ave. asked the Committee members to look out for the little guy and speak for the residents that live on Gale Ave. because the noise level will really effect the quality of life.

Ms. Peg Capone reminded everyone about the upcoming Wine Festival, proceeds to go to the Food Bank. Ms. Capone asked if there was any activity on the Wheaton's Building and was told that they have begun removing some of the fire- damaged buildings. Ms. Capone asked the Township Engineer if he was an employee and was told that he was not, that his firm would submit a proposal with a fee, which would be approved before starting work on a specific project. Ms. Capone stated that it would be helpful to residents to see a 10-year plan, to see what the vision is for the future. It was explained that the Township is required to have a Master Plan, which is available to the public. Mr. Pritchard and Mr. DePasquale explained how the Master Plan is reviewed every six years. Ms. Capone was told to contact Nancy Rainbow to review the Master Plan.

Mr. Harvey Kesselman asked if the finance committee has been meeting and was told that they have had two meetings and were meeting again next week. Miss Gatto said that land sales and fees were two items being looked into. Miss Gatto said that they had last met in March, as scheduling had been difficult. Mr. Kesselman said that the new budget should be pretty far along or we are going to be behind the eight ball again. Mr. Kesselman said that he had stated publicly that it would be difficult to hire lifeguards through WIB and that that seems to be coming true. Mr. Kesselman asked when the drop dead date would be for deciding when the Cove would be opened and what is the backup plan. Miss Gatto responded that the plan she had set forth was contingent upon the County program coming to fruition so the back up plan is that the Cove would be open minus swimming which is the current situation. Miss Gatto said the County Workforce people have not reported back for several weeks.

Mr. Bob Aiken asked if there was an original engineering study done in 2001 and was told by the Chief that at that time the requirements were different and did not require an engineer's survey.

Mr. Dave DeMario of Gale Ave. said that the Committee is hopeful that the residents will agree to some compromise regarding truck traffic but the residents are looking to have the ordinance in place prohibiting truck traffic. Mr. DeMario asked why the Township didn't go forward with the engineering study tonight. Mr. Pritchard responded that first we would need to receive a proposal and then certify that there were funds available. Mr. Silva stated that the bridge should be repaired. Mr. DeMario asked if there was anything the residents could do and was told that he could reach out to the County. Mr. Pritchard said that the bridge is dangerous.

Mr. Palmentieri asked if the solicitor and engineer could find out what the options are for a municipality to regulate a road that is within a municipality without going to other agencies. Mr. Lafferty said the lynchpin is commercial traffic. Mr. DePasquale said that the DOT no longer regulates many things but they still have oversight over limiting any commercial vehicle traffic.

Mr. DeMario asked if there was limitations of the size of a road to be used for commercial traffic or if any road is open to commercial traffic. Mr. DePasquale said that general vehicles all fit within the required road widths. Mr. DeMario asked if there was paperwork showing that Gale Ave was paved according to DOT regulations. Mr. Palmentieri asked if the road meets the standards that automatically include the use of commercial traffic and if it doesn't is that something that could be used as the basis to putting limits or banning commercial traffic altogether. Mr. DePasquale stated that part of the engineer's study would determine if the road has to be open to commercial traffic. Mr. DePasquale said that he would get in touch with the Traffic Engineer and get Mr. Palmentieri a description of what the study would entail.

Mr. Palmentieri asked for a rudimentary evaluation of the width of the roadway, the curves and the incline on the one end to give the Committee a better idea to evaluate how effective an engineering report could be. Mr. Palmentieri said this information would

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help to figure out where we go with the meetings. Mr. DePasquale said he would e-mail that in a few days.

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

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

On the motion of Miss Gatto, seconded by Mr. Silva and carried the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Rita Martino  
Deputy Township Clerk

