

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
JUNE 15, 2009

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by faxing or e-mailing a copy of the notice along with the agenda for this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, June 15, 2009 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

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

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

- 4.D Authorize special meeting June 25, 2009 for sole purpose of approving renewal of liquor licenses for which tax clearance certificates were received subsequent to June 15, 2009
- 8.A Insert names of businesses:
  - (1) Intelligent Electrical Services - home office on 6<sup>th</sup> Street
  - (2) Surf Buggy Centers d//a/ Tuckahoe Bike Shop - bike sales at Consumer Square
- 8.C Correct number of years the checks were outstanding from 2 to 1 year
- 8.O Authorizing NJDPT Municipal Aid Program grant applications:
  - (1) MA-2010-Hamilton Township-00731 for West Jersey Avenue from New York Avenue to western boundary of Block 1132.01 Lot 28 (1,700 LF)
  - (2) MAL-2010-Hamilton Township-00732 for West Jersey Avenue from western boundary of Block 1132.01 Lot 28 to western boundary of Block 1132.01 Lot 31.01 (1,750 LF)

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

There were no executive session confirmations to be made.

Early public comment on agenda items

Aline Dix referred to the agenda discussion item regarding Designation of Atlantic Race Track property as an area in need of rehabilitation asked what the governing body is going to educate themselves on what Rehabilitation is and all the ramifications pro and con before getting into the fourth property being declared in need of something. Ms. Gatto said she called Mr. Sasdelli for clarification on it and believes Mr. Sartorio wants to set up meetings with the Committee Members to go into more details on it. Ms. Dix asked if it would be a special meeting. Ms. Gatto said she thought the Members were going to sit with Mr. Sartorio 2 at a time. Ms. Dix said that doesn't educate the public. Ms. Gatto said Ms. Dix's question was what the governing body is going to do to educate themselves. Mr. Pritchard said he and the Mayor did meet with Mr. Sartorio to get more information, not just on this project but also on Redevelopment versus Rehabilitation. Ms. Dix said she was talking strictly about the lawful process of Redevelopment versus Rehabilitation, the reason for different choices and what the ramifications of the decisions are. Mr. Silva said it is being referred to the Planning Board for their review and recommendation and asked Ms. Dix if she didn't think the Planning Board would take that into consideration and have some of the same questions. Ms. Dix said she didn't. Mr. Silva said the Committee is updated by Mr. Sartorio and Mr. Sasdelli periodically. He commented on there being some new members on the Planning Board and said they might have some of the same questions. Mr. Silva said that he and Ms. Dix sat through many Planning Board sessions and realized a lot of the members bring good points to the forefront. He said that with that in mind he didn't know if a special meeting needed to be set at this time and that it can be done if it is needed in the future. Ms. Dix said she doesn't think the Planning Board will sit and go through all of the detail work in public session. She said the Committee charged them to have a study done, they will charge Mr. Sartorio to do it, he will come in with a study and it will come back to the Committee which could all be done in about three minutes. Mr. Silva said he would hope not.

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Ms. Dix referred to the items regarding RFP's for leasing property for cell towers and replacing some lattice work. She said she thought the Township should get RFPs or go out to bid for everything possible that will bring money into the town. Ms. Dix said concessions have to go to bid and expressed her opinion the billboards on Route 40 are concessions and have to go out to bid. She expressed her belief that the Committee needs to look at the state bid laws, declare the billboards concessions, and do whatever has to be done to put those 7 billboards out to bid. Ms. Dix said she believes agreement done in 2007 should be able to be declared null and void because it was done without public bid and not within the law. She said billboards rent for \$800.00 to \$1,000.00 a month and the Township share should not be only \$50.00 or a \$100.00 a month.

Ms. Dix said she brought in a copy of a deed that was faxed to her from the County Clerk's Office dated September 7, 1982 granting 20 acres in the Industrial Park from the Township to Shore Memorial Hospital. She said the reverter clause in the deed says the hospital will build a hospital or health care facility or give the land back to the Township. Ms. Dix said the land belongs to the Township and that, on behalf of the taxpayers, she asked the agenda item be changed from potential negotiations to litigation. Ms. Dix said she met with a title examiner and the hospital can't pass clear title to that property to anybody else other than somebody that is going to build a hospital or health care facility. She said Shore Memorial can only sell it to Cooper, Virtua or someone that is going to build a hospital. Ms. Dix said Shore Memorial has to give the land back and the Committee has no authority to remove the reverter clause and give away a valuable asset that belongs to the taxpayers. She suggested the reverter clause stay and that Shore Memorial either sign a quit claim deed giving the land back to the Township or build a health care facility. Ms. Dix said the Township cannot negotiate on it. Mayor Gaskill said the Committee has to follow the law whatever it is and that was why they are going discuss it with the Solicitor in executive session. He said the Committee will do whatever law is. Ms. Dix said the Committee should have a copy of the deed because it is on record. The Mayor said they do. She said the reverter clause will not be erased unless the Township Committee erases it and urged them not to do that.

Harvey Kesselman asked who initiated putting the resolution to refer the designation of the Atlantic City Race Track an area in need of rehabilitation rather than redevelopment to the Planning Board on the agenda. Mr. Sasdelli explained former Committeeman Joe Nickels brought it up under the last administration and asked that the Township look at using all the properties in the township to their highest and best use. He said the Township looked at the old Wheaton's, now the burned out Wheaton's, the new Wheaton's across the street from it and the old landfill. He explained the officials feel the race track property isn't being used at it highest and best use and that it could create more jobs and more ratables. Mr. Sasdelli said they want to refer it to the Planning Board to explore to see if there other things that can be done with it. Mr. Kesselman said there is a distinction between rehabilitation and redevelopment and that he is under the impression that if rehabilitation is used tax abatements can't be given and use of eminent domain is prohibited. He questioned why the governing body would put themselves in a position that prohibited use of eminent domain. Mr. Lafferty said he understood that the last Master Plan recommended rehabilitation and he believes that is Mr. Sartorio's recommendation also. Mr. Sartorio said rehabilitation does take the use of eminent domain option off the table. He said the past practice of the governing body is that they want to work with the property owners to bring them up to their full potential and they don't want to own the property. He said a redevelopment plan can be done with either designation and the threshold for rehabilitation designation is much lower than it is for redevelopment. Mr. Sartorio said a redevelopment investigation could become a long, expensive, and drawn out process if it is contested. Mr. Sartorio said the Township is trying to bring things back the best way possible in cooperation with the property owner who could still be the developer of the site. Mr. Kesselman asked if it would benefit the Township to at least consider the possibility of eminent domain if COAH units went in there and another school is needed, particularly with the cost associated with building another school and the associated transportation costs depending upon the kind of housing that might go in there. He asked if it would be more prudent not to take that weapon (eminent domain) out of the Township's hand and at least have it as a negotiating tool with any developer that might come in. Mr. Sartorio said the redevelopment law says it cannot be used for economic development or redevelopment projects. He said it can be done under other legislation for legitimate public purposes such as road improvements or schools and is still in play but it is separate from redevelopment of the site itself. Mr. Kesselman asked Mr. Sartorio if he was saying on the record that eminent domain could still be asserted in the future if residences are built in that area and the Committee decided they would like to have a school built there to save money because transportation costs which for a school district are not insignificant. Mr. Sartorio said he is answering questions as put to him by a member of the public. He explained the redevelopment law says the Township could do it basically without designating it as redevelopment area if it is needed for normal governmental purposes or, as it was put in the Ordinance adopted that the governing body adopted, the option is still available to the community for normal government purposes. Mr. Kesselman said he wanted clarification of exactly what the

resolution that may be going to the Planning Board was for them to do because there has been a little unclarity with respect to another major development anticipated in the Township. Mr. Sartorio said that if the governing body chose to designate an area in need of rehabilitation, the law requires that a draft of the resolution they will ultimately adopt be forwarded to the Planning Board for its review and recommendation and the Planning Board has 45 days from the date of the referral to look at it and get back to the governing body with any comments after which the governing body can take action to adopt it with or without the Planning Board recommendation. Mr. Kesselman asked what the governing body would be adopting and if any state approval process was required. Mr. Sartorio it would be a resolution designating that area an area in need of rehabilitation. Mr. Lafferty said it may require DCA approval. Mr. Kesselman asked what may happen after it goes to the Planning Board. Mr. Sartorio explained it goes to DCA if it is not in an area where the state is channeling growth but if it is in an area where the state through the Pinelands or the State Development/Redevelopment Plan says development should occur it just gets sent to the Commissioner's Office for their records. Mr. Kesselman asked which one this parcel is and if it was known what will happen. Mr. Sartorio said the resolution will be sent to the DCA, similar to what was done with the areas designated in need of redevelopment, and his guess is that the Township will get a letter back saying DCA has seen it, that it is in an area where they want development to take place, and it is effective as of the date it was passed. Mr. Silva said he understood portions of that property were already designated for housing and asked if there was a set number of houses. Mr. Sartorio said part of the property was designated for planned village development under the 2006 housing litigation and he thought it was 500 units. Mr. Silva said that answered part of Mr. Kesselman's question and he understood Mr. Kesselman's question is what will happen to the rest of the property. Mr. Kesselman said a school will be needed if 500 housing units are built there and, if there isn't land to build it on there, the Township will have to find other land that will hopefully be less costly. He said 70-75 percent of the Township taxes are for schools and if the Township is going to have another school they should have a pretty good idea in their plan of where it will be, how much it will cost and who will pay for it. Mr. Silva said there is another section on Route 40 and Cologne Avenue that could impact that. He asked Mr. Lafferty if a compelling public need ever overrides these decisions. Mr. Lafferty said he believes Mr. Sartorio is correct and that Mr. Nehmad would agree that if there is a legitimate alternative avenue by which there is a public need that land could be utilized for that public purpose. Ms. Gatto said the school gets a copy of that information every time it is approved at the Planning Board level and it goes into the school board's master plan. She said the Board is constantly looking for land. Ms. Gatto commented the ability to add different wings on Hess School and Davies School being specifically designed to be added onto. She said this reinforces the need to continuously have open conversation with the school district so everyone is on the same page and looking forward. Mr. Kesselman said he served on the School Board and is familiar with what Ms. Gatto said but that isn't the issue. He said the issue is that thinking as a Committee and Planning Board and rather than just say here's a school, here is the plan, fix the problem, it is all of our problems. He said that by going to rehabilitation the Committee is taking away one of the weapons they possibly have when negotiating with developers on what should go in there. He said you can always build and add on but the question is what is most cost effective and strategically the best move to make.

Request re: Designation of Atlantic City Race Track property (Block 1135.01 Lot 10.01 an area in need of rehabilitation and resolution referring same to the Planning Board for its review and recommendation

Mr. Silva asked if the Planning Board had the option of designating it rehabilitation or redevelopment when they receive the resolution. Mr. Sartorio said they don't, that falls on the governing body. He said there is significant threshold difference as far as meeting the statutory criteria and if the referral is made by the Township Committee as far as designating it in need of rehabilitation, that is the only option the Planning Board has. Mr. Silva asked if they will consider how it fits into the Master Plan. Mr. Sartorio said the Board will consider whether or not it is consistent with the Master Plan re-examination. He said it is consistent with the Master Plan in spirit and they have to look at the documentation provided and concur or not concur with it as far as if it meets the criteria. Mr. Silva asked if the professionals will give input into it; if the Board will do it as a body with an open discussion based on input from professionals sitting there; or the dialog will be just among themselves. Mr. Sartorio said it is a referral so the dialog really would be among themselves. He explained they are not required to do a full investigation like they are under the redevelopment plan and they work from the documentation given to them. Mr. Silva asked how the Board would educate themselves on the rehabilitation or redevelopment aspect of anything they get before them. He asked if that was solely Mr. Sartorio's job.

Mr. Sasdelli said Mr. Sartorio is an AICP which is the highest level Planner that you can be and the Township also has a professional, state licensed, Planning Board Planner. He said the Township Committee and Planning Board rely on their expertise to provide that feedback to them. Mr. Sasdelli said he doesn't understand all the

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technical jargon of redevelopment/rehabilitation but he does understand policy and he got zero impression that the government wants to take private property or talk about eminent domain and he saw no willingness that they wanted to talk about eminent domain. He said that is part of why he steered this in that direction. Mr. Sasdelli said he didn't think the Township Committee has a track record of doing that and he didn't get the vibe that any of the Members want to do that. He said it is a policy decision that the Committee can revisit if they think it is something they want to do but, for the past 2 years, he hasn't gotten the impression they want to revisit it. Mr. Silva asked if the previous Committee passed a resolution that they were not in favor of it. Mr. Pritchard said there was a referendum on it a few years ago and the public was overwhelmingly against the use of eminent domain. Mayor Gaskill said he thinks the Committee has to think about trying to build the town's businesses back up. He said the Committee talked about being more business friendly, bringing in more commercial ratables to build the tax base back up and helping the taxpayers. The Mayor said he thought this is the way to go to get this project started, to create revenue for the Township and jobs for its people. He said he is in favor of the resolution.

Stephen Nehmad, attorney for the Race Track, said he might be able to give some background on this because there was obviously some confusion in the minds of those who had spoken. He said he has worked on redevelopment throughout the state for the last 15-20 years and is very familiar with the local redevelopment and housing law that is the subject of Mr. Sartorio's memo that the Committee has before them. Mr. Nehmad said the request came from a prior administration governing body for them to look into establishing a redevelopment plan at his client's property. He said the Committee's initiative and what they are trying to do is to come up with a redevelopment plan which is nothing more than a zoning ordinance that gives the municipality far more flexibility as to the controls they can wield and sends a message to someone potentially wanting to locate at this site that the Township wants them to locate here. He said it is an economic incentive type of initiative and the end goal is adoption of a redevelopment plan by ordinance. He explained a redevelopment plan requires one of two findings; the first is an area in need of redevelopment designation which comes with the power of eminent domain. He said that is a convoluted process that requires hearings, notices to everyone within the area in question and everyone within 200' of it, a study and an inquiry as to whether or not one of eight statutory factors is found. Mr. Nehmad said that is a safeguard because one of government's most extraordinary powers, the taking of private property by government against the will of the landowner, is potentially called into play. He said the alternative type of redevelopment plan is based on an area in need of rehabilitation determination and it is a far simpler process. Mr. Nehmad said the governing body merely needs to adopt the resolution that Mr. Sartorio gave them a draft of and they can proceed with adoption of a redevelopment ordinance after referral to the Planning Board. He said the governing body opted to go for an area in need of rehabilitation determination rather than an area in need of redevelopment because of the referendum in 2005 against use of the power of eminent domain and the landmark decision handed down by the New Jersey Supreme Court in 2007 that makes it almost impossible for a municipality to exercise its power of eminent domain for economic redevelopment for non-governmental purposes against the will of the property owner unless there is a finding of health conditions or it meets the old standard of blight which is extraordinarily difficult to meet. Mr. Nehmad said he understood the governing body requested the redevelopment plan be premised on an area in need of rehabilitation rather than an area in need of redevelopment because they realized that is such a difficult burden of proof to carry. He said it is appropriate in this situation; it doesn't lessen any initiative the municipality has; and he agreed with Mr. Lafferty's statement that the power to use eminent domain remains open if this or any successor governing body determined 5 to 7 years from now that there is a need for a traditional governmental purpose to be established on the site. He said he was reluctant to concede that on behalf of his client but, as Mr. Lafferty advised the Committee, this designation as an area in need of rehabilitation in no way takes away this or any successor governing body's power to use eminent domain for governmental purposes such as schools, hospitals and things of that nature. Mr. Nehmad explained the area in need of rehabilitation standard is that a majority of the housing stock is over 50 years old or, as was demonstrated in this case, the water and sewer infrastructure is over 50 years old and in need of substantial maintenance. He said the water and sewer infrastructure at the track was built in 1946 and that is why an area in need of rehabilitation designation is being sought. Mr. Nehmad said Mr. Sartorio's memo was directly on point and the only difference between a rehabilitation plan and a redevelopment plan is that eminent domain can't be used and long term tax abatements can't be granted in a rehabilitation plan.

There being no further questions, comments or discussion on the matter, the Mayor called for a motion.

Mr. Pritchard 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 proposed resolution as set forth below be and is hereby referred to the Hamilton Township Planning Board for their review and recommendation:

PROPOSED RESOLUTION DESIGNATING BLOCK 1135.01 LOT 10.01 IN THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NEW JERSEY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, rehabilitation is a process which can be used by local government to prevent further deterioration of an area and promote overall development in 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 rehabilitation based on the criteria set forth in Section 14 of that statute; and

WHEREAS, one of the conditions that warrant the designation of an area in need of rehabilitation is a majority of the water and sewer infrastructure being at least 50 years old and in need of repair or substantial maintenance; and

WHEREAS, Township Committee has received a March 30, 2009 letter report from Ronald N. Curcio, PE, of the firm Adams, Rehmann & Heggan, on behalf of Greenwood ACRC, Inc., the owners of Block 1135.01, Lot 10.01 and Block 1136, Lot 11, outlining his finding regarding the age and condition of the water and sewer utilities on the subject parcels commonly known as the Atlantic City Race Track; and

WHEREAS, Mr. Curcio's report concludes that the water and sewer infrastructure on the subject site existed prior to 1959 and due to its age and the lack of any record of meaningful replacement or repair, is today in need of replacement or substantial repair; and

WHEREAS, Block 1135.01, Lot 10.01 is located in a New Jersey Pinelands Commission designated Regional Growth Area, which is an area development and redevelopment are encouraged; and

WHEREAS, prior to adoption of this resolution a copy thereof was forwarded to the Hamilton Township Planning Board for its review and recommendation,

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

1. The condition of the water and sewer infrastructure on Block 1135.01 Lot 10.01 has been found to meet the conditions established in NJSA 40A:12A-14.z. for designation of an area in need of rehabilitation.
2. Block 1135.01 Lot 10.01 is hereby found to be an area in need of rehabilitation.
3. A copy of this resolution shall be forwarded to the Commissioner of the Department of Community Affairs.

RESOLUTION TO REFER THE PROPOSED REHABILITATION RESOLUTION TO THE PLANNING BOARD ADOPTED WITH MEMBERS PALMENTIERI, PRITCHARD, SILVA AND GASKILL VOTING "AYE", NO "NAY", MS. GATTO "ABSTAIN"

Budget Review Strategies:

Mr. Sasdelli said he was given a directive to look at alternative sources of revenue, anything that could be done other than taxes and explained there are 3 on tonight's agenda. He said two of them are the authorizations to receive RFPs for cell tower leases on tonight's agenda. He said the last lease awarded was for a minimum of \$2,000.00 a month with potential increases as additional receiver/co-locaters are added. Mr. Sasdelli said the township will receive that money as soon as that tower is built. He said the other one is Item 8.H, acceptance of highest bid received at a land sale held earlier tonight. He said the Township continues to sell properties little by little thanks to Mrs. Anderson and her staff. He said every dollar collected this way is one that doesn't have to be raised by taxes.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for acceptance of Requests for Proposals at 10:30 AM on July 14, 2009 for leasing Block 1093, Lot 12 (Vichy Avenue between Spruce Street and the Atlantic City Expressway) for the sole purpose of constructing a personal wireless telecommunications tower with associated equipment.

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

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Mr. Palmentieri asked what actual action will take place. Mr. Sasdelli explained the Township has an existing tower behind town hall now and said the successful bidder (RFP) can put up a higher tower and will have the right to put co-locaters on it but they will have relocate all the Township equipment including, dispatch, fire and police, at no cost to the Township.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for acceptance of Requests for Proposals at 10:30 AM on July 14, 2009 for replacement of existing lattice communications tower at Town Hall (Block 786, Lot 1.01) with taller tower, the installation of personal wireless telecommunications antennas and the installation associated telecommunications equipment on site.

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

Cove update

Mr. Sasdelli said the Township has been working diligently with Mr. Bruner and the County to get the 9 people needed to make opening the Cove by June 27<sup>th</sup> work. He said only 5 of the 10 or 12 people who indicated interest in the positions filled out applications and they still have to go through the interview process and a 32 hour training course. He said Mr. Bruner said he would try to use the Youth Corps people for Beach Badge Checkers but the Township still needs lifeguards. Ms. Gatto said she checked with Mr. Sasdelli every day and she thought the Committee has to make a decision as to whether or not to keep moving forward. Mr. Sasdelli said even if the 5 are interviewed and they all pass the drug and physical tests maybe only 3 will pass the certification test and it would be an abbreviated schedule for the Cove to be open. Mr. Pritchard said it might not pay for them to take the position then.

Mr. Silva asked where they lived and Mr. Palmentieri asked if they had transportation. Mr. Sasdelli said none of them live in the Township and the employment application doesn't ask if they have transportation.

Mayor Gaskill said he didn't think anyone wanted to keep the Cove open more than he did but he has grave concern about where the Township is headed and doesn't know if there would be adequate lifeguards. The Mayor said that as much as he loved the Cove, he didn't think the Committee should proceed with it for 2009.

Mr. Pritchard said he was also concerned about safety, rushing people through lifeguard training and whether they would be dependable. He said that though it pained him, he had to agree with the Mayor. Mr. Pritchard commended Ms. Gatto for working with the County and said Mr. Bruner worked very hard also.

Ms. Gatto said that as much as she would love to open the Cove, the Committee is out of time. She said she was concerned about charging for a seasonal pass that is supposed to be for 7 days a week and the season is already abbreviated. Ms. Gatto said she was sad but it wasn't for a lack of effort on anybody's part. She said she didn't think the Cove could successfully open even by July 4<sup>th</sup>.

Mr. Pritchard asked if the previous resolution had to be rescinded and the Cove officially declared closed. Mr. Lafferty recommended that be done.

Mr. Sasdelli said the Township will continue exploring use of the Work Force individuals in less life hazardous situations.

Mr. Silva said he didn't think the Committee should forget that there are other options on the Lake and that he didn't believe the Township totally explored having a third party run the Cove. He said one of the stumbling blocks to that was the liability insurance. Mr. Silva said he thought that should be looked at and that a partnership with the County for Lenape Park should be explored.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the previously adopted resolution conditionally authorizing the opening of the Cove for swimming on June 27, 2009 contingent upon the County providing 6 certified lifeguards and 3 beach badge checkers be and is hereby rescinded due to the inability to fulfill the conditions.

BE IT FURTHER RESOLVED that the Cove shall be closed for swimming for 2009 effective immediately.

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

Authorizing Special Meeting

Mr. Sasdelli explained the Township Committee can't authorize renewal of a license without a tax clearance certificate and said that he and Mrs. Anderson made several calls to the State today regarding renewal of some of the liquor licenses. He explained said that after talking with the State, Mrs. Anderson is suggesting that a brief special meeting be held to approve any licenses that she receives certificates for by June 25<sup>th</sup>. He said he and Mrs. Anderson asked the State if the governing body could approve the licenses tonight conditioned upon receiving the certificate but they don't want that done, they want the date of the resolution to be after the certificate is issued. Mr. Sasdelli said this was done once before for another business.

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

BE IT RESOLVED that a Special Meeting of the Township Committee be held at 4P.M. on Thursday, June 25, 2009 for the sole purpose of approving renewal of any of the following liquor licenses for which Tax Clearance Certificates are received subsequent to June 15, 2009: License #005, #017, #025, #026, #028, #035, #036, #038, and #040.

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

Public Hearing/Adoption - Ordinance No. 1651-2009

There being no questions or comments from the public on the Ordinance, Ms. Gatto moved, seconded by Mr. Pritchard, that the public hearing be closed.

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

Ms. Gatto moved, seconded by M4. Silva, that the following resolution be adopted.

WHEREAS, Ordinance No. 1651-2009 was introduced and passed first reading on June 1, 2009 and was duly advertised in the June 3, 2009 issue of the Atlantic County Record for a public hearing to be held On June 15, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1651-2009 be and is hereby adopted.

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

ORDINANCE NO. 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

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

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- 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.

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.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, N.J.

ATTEST:

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

\_\_\_\_\_  
NELSON GASKILL, CHAIRMAN

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

ORDINANCE NO. 1651-2009 INTRODUCED AND PASSED FIRST READING JUNE 1, 2009.  
ORDINANCE NO. 1651-2009 ADOPTED JUNE 15, 2009.

Public Hearing/Adoption - Ordinance No. 1652-2009

There being no questions or comments from the public on the Ordinance, Mr. Pritchard moved, seconded by Ms. Gatto, that the public hearing be closed.

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

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

WHEREAS, Ordinance No. 1652-2009 was introduced and passed first reading on June 1, 2009 and duly advertised in the June 3, 2009 issue of the Atlantic County Record for a public hearing to be held on June 15, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1652-2009 be and is hereby adopted.

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

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
- (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.

June 15, 2009

(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.

ATTEST:

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

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

\_\_\_\_\_  
NELSON GASKILL, MAYOR

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

ORDINANCE NO. 1652-2009 INTRODUCED AND PASSED FIRST READING ON JUNE 1, 2009.  
ORDINANCE NO. 1652-2009 ADOPTED JUNE 15, 2009.

Contiguous Owner Land Sales - Ordinance #1648-2009

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

RESOLUTION RATIFYING SALE OF LAND TO CONTIGUOUS OWNER  
PURSUANT TO ORDINANCE #1648-2009

WHEREAS Ordinance #1648-2009, authorized the right of prior refusal to purchase Lot 3 in Block 54 to owner or owners of the land contiguous thereto; and

WHEREAS Ordinance #1648-2009 was finally adopted on May 18, 2009 and all contiguous owners affected thereby were notified by certified mail return receipt requested of their right to submit a sealed bid for the purchase of Lot 3 in Block 54; and

WHEREAS, the bid of Joseph P. Morris, whose address is 2002 Blue Fox Lane, Hammonton, NJ 08037 was the only bid received; and

WHEREAS, Joseph P. Morris bid the sum of One Thousand Five Hundred (\$1,500.00) Dollars which was equal to or exceeded the minimum bid set by Ordinance #1648-2009 and included a certified check in the amount of Three Hundred (\$300.00) Dollars which equals or exceeds the minimum twenty (20%) percent deposit required by ordinance,

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

- 1) Acceptance of the bid of Joseph P. Morris is hereby confirmed and the sale Lot 3 in Block 54, to him is hereby ratified.

- 2) The Solicitor is hereby authorized to prepare a quit claim deed conveying the Township's right, title and interest in Lot 3 in Block 54 to Joseph P. Morris.
- 3) Upon payment of the balance due on the accepted bid plus Four Hundred Twenty-five (\$425.00) Dollars to off-set the cost of advertising, legal, and recording fees the Mayor and Township Clerk are authorized to execute the Deed of Conveyance to Joseph P. Morris pursuant to the terms and conditions set forth in Ordinance #1648-2009.

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

Mr. Silva moved, seconded by Ms. Gatto, 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 #1648-2009 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 July 20, 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.

<u>Block/Lot(s)</u>	<u>Lot size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
55 / 1	.71 acre	Red Wing Way	RD-5	\$2,000.00

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 July 8, 2009 and July 15, 2009 issues of the Atlantic County Record.

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

Accept bid received at public land sale held tonight for Block 398, Lot 1

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

WHEREAS, at a public land sale held at 6:00 PM tonight Marvin McKellar offered a bid of \$1,200.00 for Lot 1 in Block 398 and there were no other bids offered,

NOW, THEREFORE, BE IT RESOLVED that the bid of Marvin McKellar in the amount of One Thousand Two Hundred (\$1,200.00) Dollars for Block 398, Lot 1 be and is hereby accepted.

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

June 15, 2009

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

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

- (1) Intelligent Electrical Services - home office on 6<sup>th</sup> Street.
- (2) Surf Buggy Centers d//a/ Tuckahoe Bike Shop - bike sales at Consumer Square.

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

2009-2010 Liquor License Renewals

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

RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION, PLENARY RETAIL CONSUMPTION AND/OR CLUB LICENSES FOR THE 2009-2010 LICENSE YEAR

WHEREAS, the following individuals, partners and/or corporations have filed the required applications for renewal of their respective Plenary Retail Distribution, Plenary Retail Consumption and/or Club Licenses for the 2009-2010 License Year, all in accordance with the provisions of the New Jersey Alcoholic Beverage Control Laws; and

WHEREAS, all State and Municipal license fees have been paid by said applicants,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the Alcoholic Beverage Licenses for the period July 1, 2009 through June 30, 2010, both dates inclusive, be and are hereby approved and issued as follows:

PLENARY RETAIL DISTRIBUTION LICENSES

SEHDAL ENTERPRISES INC. 0112-44-041-006	VICTOR'S LIQUORS	78 MILL STREET MAYS LANDING, NJ 08330
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CLUB LICENSES

GUINTA & MARUCCI POST #220 V.F.W. 0112-31-044-001		1209 ROUTE 50 MAYS LANDING, NJ 08330
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PLENARY RETAIL CONSUMPTION LICENSES

AVOCADOS & ZEBRAS, INC. 0112-33-001-003	YE OLDE MILL STREET PUB	6033 MAIN STREET MAYS LANDING, NJ 08330
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RED ROBIN INTERNATIONAL INC. 0112-33-006-010	RED ROBIN AMERICA'S GOURMET BURGERS AND SPIRITS	4259 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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MAYS LANDING COUNTRY CLUB, INC. 0112-33-008-002	MAYS LANDING GOLF	1855 CATES ROAD MAYS LANDING, NJ 08330
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ITALCORP 0112-33-009-008	CAVALLINO NERO	4760 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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DON DECKERT, INC. 0112-33-010-001	MAYS LANDING INN	58 MILL STREET MAYS LANDING, NJ 08330
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HAMILTON HOSPITALITY INC. 0112-33-011-006	HAMILTON TRAILS GOLF CLUB	620 HARBOR ROAD MAYS LANDING, NJ 08330
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RESTAURANTS PROJECTS INC. 0112-33-012-004	INN AT SUGAR HILL	5704 MAYS LANDING - SOMERS POINT ROAD MAYS LANDING, NJ 08330
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FINNERTYS INC. 0112-33-013-001	FINNERTYS HUT	7134 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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C W NEWS INC. 0112-33-014-015		6494 WEYMOUTH ROAD MAYS LANDING, NJ 08330
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TARANDIEHL ENTERPRISES 0112-33-016-004	THE HOTT SPOT	6032 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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GMRI INC. 0112-33-018-008	RED LOBSTER	4411 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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June 15, 2009

STONEHENGE INC. 0112-33-019-007	THE GOOD GUYS PUB	5698 MAYS LANDING - SOMERS POINT ROAD MAYS LANDING, NJ 08330
PJ's PUB & GRILLE LLC 0112-33-020-003	PJ's PUB & GRILLE	2301 ROUTE 50 MAYS LANDING, NJ 08330
TOM & DEB INC. 0112-33-021-007		C/O THOMAS LOCAVARRA P. O. BOX 485 LINWOOD, NJ 08221
MEL-TOM INC. 0112-33-022-003	JONESEY'S BAR	6928 ROUTE 40 (HARDING HIGHWAY) P.O. BOX 445 MIZPAH, NJ 08342
GMRI INC. 0112-33-023-007	THE OLIVE GARDEN ITALIAN RESTAURANT	4403 BLACK HORSE PIKE MAYS LANDING, NJ 08330

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

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

RESOLUTION ACCEPTING PLENARY RETAIL CONSUMPTION LICENSE RENEWAL APPLICATIONS WITH NO ACTION FOR APPROVAL OR DENIAL PENDING RECEIPT OF 12.39 SPECIAL RULINGS

WHEREAS, the following individuals and/or corporations hold inactive liquor license that requires a Special Ruling of the Division of Alcoholic Beverage Control before they can be renewed for the License Year July 1, 2009 thorough June 30, 2010; and

WHEREAS, the said individuals and/or corporations have filed the required applications and fees for renewal of their respective Plenary Retail Consumption Licenses for the year July 1, 2009 to June 30, 2010, both dates inclusive, as prescribed by law,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the renewal application and fees paid be and are hereby accepted and ordered filed with the Division of Alcoholic Beverage Control:

<u>LICENSEE/LICENSE NO.</u>	<u>TRADE NAME</u>	<u>ADDRESS FOR MAILING PURPOSES ONLY</u>
THE CLUB HOUSE AT HAMILTON, LLC 0112-33-007-003	THE CLUB HOUSE	c/o Sarah C. Bready P. O. Box 419 Ocean City, NJ 08226
RARE HOSPITALITY 0112-33-017-009	LONGHORN STEAKHOUSE	C/O VINCENT PARAGANO, ESQ. 5 SENEY DRIVE BERNARDSVILLE, NJ

BE IT FURTHER RESOLVED that no approval or denial determination of said application for renewal shall be made until a Special Ruling from the Division of Alcoholic Beverage Control is received by the Township Clerk.

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

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

RESOLUTION ACCEPTING LIQUOR LICENSE APPLICATIONS FOR RENEWAL FOR THE 2009-2010 LICENSE YEAR WITH NO ACTION FOR APPROVAL OR DENIAL PENDING RECEIPT OF TAX CLEARANCE CERTIFICATES

WHEREAS, the following individuals, partners and/or corporations have filed the required applications and fees for renewal of their respective Plenary Retail Consumption or Plenary Retail Distribution Licenses for the 2009-2010 License Year, all in accordance with the provisions of the new Jersey Alcoholic Beverage Control Laws:

PLENARY RETAIL CONSUMPTION LICENSES:

M. L. JOEY, CORP. 0112-33-005-004	MAPLEWOOD II	6126 BLACK HORSE PIKE MAYS LANDING, NJ 08330
MICHAEL COKENAKES 0112-33-025-007	PALACE RESTAURANT & OUTFITTERS	6924 BLACK HORSE PIKE MAYS LANDING, NJ 08330

June 15, 2009

KOI FISH CAFÉ LLC  
0112-33-026-006

C/O THOMAS LOCAVARRA  
1704 WEST AVENUE  
LINWOOD, NJ 08221

MAYS LANDING SAKURA LLC  
0112-33-028-010

SAKURA JAPANESE STEAK,  
SEAFOOD & SUSHI BAR

4215 BLACK HORSE PIKE  
MAYS LANDING, NJ 08330

NORTH COUNTRY BBQ  
VENTURES (HAMILTON) LLC  
0112-33-035-008

FAMOUS DAVE'S BBQ

360 HAMILTON COMMONS, UNIT 37  
4315 BLACK HORSE PIKE  
MAYS LANDING, NJ 08330

PLATINUM SHOWCASE  
0112-33-036-008

PLATINUM PLAYGROUND

7685 BLACK HORSE PIKE  
HAMMONTON, NJ 08037

MARTY'S GIRLS INC.  
0112-33-040-008

GREAT AMERICAN PUB &  
GRILLE

4450 BLACK HORSE PIKE #3944  
MAYS LANDING, NJ 08330

PLENARY RETAIL DISTRIBUTION LICENSES:

MAYS LANDING WINE, LIQUOR  
& DELI, LLC  
0112-44-038-004

MAYS LANDING WINE, LIQUOR  
& DELI

30 MILL STREET  
MAYS LANDING, NJ 08330

and

WHEREAS, the required Tax Clearance Certificates for the aforesaid Licensees were not received by the Township Clerk as of Monday, June 15, 2009; and

WHEREAS, the Division of Taxation only posts lists of Clearance Certificates issued on their website on Wednesday and only mails them on Friday of each week,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the renewal applications and renewal fees for the aforesaid licenses be and are hereby accepted and ordered filed with the Division of Alcoholic Beverage Control with no action to approve or denial renewal being made pending receipt of the required Tax Clearance Certificate.

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

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

RESOLUTION

WHEREAS, certain checks are outstanding for over one (1) year and can be cancelled; and

WHEREAS, it is necessary to formally cancel said checks so that the unexpended amounts may be returned to each respective Fund,

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Hamilton that the following outstanding balances is cancelled:

Fund	Bank	Acct. #	Check #	Amount
Current	Bank of America	8956	1778	\$ 4.97
Current	Bank of America	8956	17933	\$ 72.33
Current	Bank of America	8956	19394	\$ 27.00
Current	Bank of America	8956	19401	\$ 10.00
Payroll	Bank of America	9952	22503	\$ 3.41
Escrow	Bank of America	9801	2106	\$445.50
				TOTAL \$563.21

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Liberty Mutual Insurance Company bond #022026282, in the amount of Six Hundred (\$600.00) Dollars is hereby accepted as a performance guarantee for Metro PCS Pennsylvania, LLC, construction of a stone driveway at 6099 Danenhauer Lane (Block 735/Lot 7).

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

June 15, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the riders set forth below amending Fidelity and Deposit Company of Maryland performance bonds, performance guarantees of US Homes Corp. Lennar (Cedar Point project) pursuant to bond reductions authorized by the Township Committee on May 19, 2009:

- (1) Phase 3 Bond #08821767 reduced **from** \$478,020.18 **to** \$284,103.18
- (2) Phase 4 Bond #08821768 reduced **from** \$623,598.18 **to** \$291,105.18

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that RLI Insurance Company bond #RSB4135528, in the amount of \$6,386.52 is hereby accepted as a 2-year maintenance guarantee for Michael P. Kelly site improvements at 1409 Route 50 (Block 792/Lot 3); and

BE IT FURTHER RESOLVED that the Township Clerk is authorized to return Select Bank letter of credit #1500001423 pursuant to resolution adopted on May 4, 2009.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Westchester Fire Insurance Company bond #K07156819, the performance guarantee for Phase IV of Clayton Development Associates LLC Clayton Self Storage project (Block 991, Lot 3.01) is hereby authorized to be release of contingent upon posting of a 2-year maintenance guarantee in the amount of \$9,487.89 and with the caveat that the maintenance guarantee posted shall not be released until the small amount of paving adjacent to the westerly edge of Phase VI has been completed, all as recommended by Daniel J. DePasquale, Township Engineer.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #6-2009 is hereby approved for Oakcrest High School Band Parents' Association off-premise draw raffle to be held July 25, 2009.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that preparation of a Contiguous Owner Land Sale Ordinance for sale of the following Township-owned undersized lots be and is hereby authorized:

<u>Block/Lot</u>	<u>Lot size</u>	<u>Location</u>	<u>Zone</u>	<u>Minimum Bid</u>
666/23	4.72 acres	First Avenue	FA-25	\$4,720.00
534/12.02	2.43 acres	Estelle Ave.	FA-10	\$3,645.00

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

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

BE IT RESOLVED by the Township Committee that Land Resource Solutions, LLC is hereby authorized to submit an application to the NJDEP for \$504,216.00 in supplemental funding to conduct additional investigation required by NJDEP of property around the former Township landfill.

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

June 15, 2009

2008 Audit Report

Mr. Sasdelli said the only audit Finding was that the Bail Account was not reconciled in October, November or December. He said there was a big improvement over previous audits and he is proud of it. Mr. Sasdelli said there are 6 or 7 comments that need to be looked into or they will become Findings. He said the auditors looked at all of the bids, quotes, petty cash funds, reimbursements, etc., to see that they are all in order and it was.

Ms. Gatto said the audit was finished early. She said there was 1 Finding in the 2007 audit and it was corrected in 2008.

Mr. Sasdelli explained a Corrective Action Plan would be adopted.

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

RESOLUTION

WHEREAS, N.J.S. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Township of Hamilton Township as pursuant to N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: *Schedule of Findings and Questioned Costs* **OR** *Schedule of Findings and Recommendations*; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: *Schedule of Findings and Questioned Costs* **OR** *Schedule of Findings and Recommendations* as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Corrective Action Plan

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Corrective Action Plan for the 2008 Audit be and is hereby adopted.

Finding #2008-1

Description:

The Municipal Court should be reconciling the General Account and the Bail Account on a monthly basis. The Municipal Court General Account and Bail Accounts were only reconciled through September 2008.

Auditor's Recommendation:

The Municipal Court bank statements [should] be reconciled, accurately and timely, on a monthly basis.

Corrective Action:

The Township Administrator met with the Court Administrator and the Finance Office to explain and discuss the importance of monthly reconciliation. Court Administrator has already taken steps in her department to address this finding. If she encounters a monthly discrepancy, she will seek guidance from the AOC, Deputy Finance Officer and, if necessary, the Auditor. In addition the CFO or his designee have been authorized to do quarterly checks to ensure this does not turn into a repeat write-up.

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

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

**RESOLUTION**

**RESOLUTION AUTHORIZING THE CITY'S APPLICATION FOR FUNDING FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S MUNICIPAL AID PROGRAM**

WHEREAS, the Township Committee of the Township of Hamilton has determined that a paving program for West Jersey Avenue from New York Avenue to the western boundary of Block 1132.01, Lot 28 (1,700 LF) be constructed; and

WHEREAS, the Township of Hamilton desires to apply for and accept funds from the New Jersey Department of Transportation's Municipal Aid program.

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

1. The Council formally approves the grant application for the above stated project.
2. The Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2010-Hamilton Township-00731** to the New Jersey Department of Transportation on behalf of the Township of Hamilton.
3. The Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Hamilton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
4. The Clerk of the Township of Hamilton is directed to submit three (3) certified copies of this Resolution to the New Jersey Department of Transportation in support of the application hereby authorized.

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

June 15, 2009

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

**RESOLUTION**

**RESOLUTION AUTHORIZING THE CITY'S APPLICATION FOR FUNDING FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S MUNICIPAL AID PROGRAM**

WHEREAS, the Township Committee of the Township of Hamilton has determined that a paving program for West Jersey Avenue from the western boundary of Block 1132.01 Lot 28 to the western boundary of Block 1132.01, Lot 31.01 (1,750 LF) be constructed; and

WHEREAS, the Township of Hamilton desires to apply for and accept funds from the New Jersey Department of Transportation's Municipal Aid program.

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

5. The Township Committee formally approves the grant application for the above stated project.
6. The Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2010-Hamilton Township-00732** to the New Jersey Department of Transportation on behalf of the Township of Hamilton.
7. The Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Hamilton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
8. The Clerk of the Township of Hamilton is directed to submit three (3) certified copies of this Resolution to the New Jersey Department of Transportation in support of the application hereby authorized.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Hanover Insurance Company bonds be accepted as maintenance guarantees for the SJS Holdings Fairways at Mays Landing project:

\$172,649.93	Bond #1822870	for Phase 1A non-stormwater improvements
\$99,777.42	Bond #1880765	for Phase 1A stormwater management system
\$84,389.98	Bond #1822871	for Phase 1B non-stormwater improvements
\$13,143.37	Bond #1880766	for Phase 1B stormwater management system
\$89,939.12	Bond #1880772	for Phase 2 non-stormwater improvements
\$9,437.49	Bond #1880767	for Phase 2 stormwater management system
\$47,946.33	Bond #1822872	for Phases 3 and 4 non-stormwater improvements
\$1,129.22	Bond #1880768	for Phases 3 and 4 stormwater management system
\$71,066.28	Bond #1822874	for Phase 5 non-stormwater improvements
\$10,974.30	Bond #1880769	for Phase 5 stormwater management system
\$80,137.79	Bond #1822875	for Phase 6 non-stormwater improvements
\$12,141.92	Bond #1822875	for Phase 6 stormwater management system
\$66,480.56	Bond #1822876	for Phase 7 non-stormwater improvements
\$7,376.04	Bond #1880771	for Phase 7 stormwater management system

BE IT FURTHER RESOLVED that all Sun National Bank letters of credit previously accepted as performance guarantees for aforesaid SJS Holdings Fairways at Mays Landing project are hereby authorized to be returned pursuant to resolutions adopted September 5, 2006 and November 20, 2006 authorizing release of said letters of credit upon the developer posting maintenance guarantees for the non-stormwater improvement components and stormwater management systems.

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

Community Development Block Grant Program ("Urban County Program") Renewal

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

RESOLUTION AUTHORIZING THE TOWNSHIP OF HAMILTON TO EXECUTE A COOPERATION AGREEMENT WITH THE COUNTY OF ATLANTIC REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR FISCAL YEARS 2010, 2011 AND 2012

WHEREAS, Atlantic County was notified by letter dated October 27, 2000, from the United States Department of Housing and Urban Development (hereafter "HUD") announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter ("Urban County Program")) for Fiscal Year 2001, 2002 and 2003; and

WHEREAS, based on the documentation submitted to HUD on June 30, 2003 for Fiscal Years 2004, 2005 and 2006, the Atlantic County Urban County (hereafter "County") was requalified to receive a formula allocation for those years; and

WHEREAS, based on the documentation submitted to HUD on June 30, 2006 for Fiscal Years 2007, 2008 and 2009, the County was requalified to receive a formula allocation for those years; and

WHEREAS, it is necessary for the County to requalify for Fiscal Years 2010, 2011 and 2012; and

WHEREAS, in order to participate with the County in the Urban County Program for those years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other local governments; and

WHEREAS, the Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program; and

WHEREAS, the Township of Hamilton, desires to join with the County in the Urban County Program; and

WHEREAS, the Inter-local Services Act, NJSA 40:8A-1 et seq., authorizes counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds,

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

- 1) The Mayor and Clerk are hereby authorized and directed to execute the attached Cooperation Agreement with the County, and other local governments, in substantially the following form with such minor changes as may be required by HUD.
- 2) This Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal Fiscal Years beginning October 1, 2010, October 1, 2011 and October 1, 2012) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the Township of Hamilton provides written notice it elects not to participate for a new qualification period.
- 3) HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
- 4) All resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
- 5) The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County Executive.

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

June 15, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the June 1, 2009 regular meeting are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved bills are hereby ordered paid, the bill list total being \$921,863.30 as of June 11, 2009.

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

### Reports

Mr. Sasdelli reported Mr. DePasquale had identified some additional grants that were available. He said Mr. DePasquale put together the two applications that were authorized tonight for West Jersey Avenue on very short notice. Mr. Sasdelli said the Township can do West Jersey Avenue if they get those grants. He commended Mr. DePasquale for being aggressive in seeking grants. Ms. Gatto said West Jersey Avenue was picked because it was next on the list of streets that qualified for grant money. Mr. Sasdelli said there are certain municipal roads that wouldn't qualify for funding.

Mr. DePasquale reported the striping for the road program will be done Thursday. He reported a punch list will be prepared and the project should be wrapped up shortly. Mr. DePasquale said Lenape Avenue is striped all the way down. Mr. Palmentieri asked if there was a stop sign on Drosera Avenue yet. Mr. DePasquale it wasn't.

Mr. Silva reported he and Mr. Sasdelli took a ride after the very heavy rain fall and found that the retention basin at Olive Garden was very full and he was concerned about a breach in it. He said they also went to Hamilton Walk and Timber Glen. Mr. Silva asked when the work at Hamilton Walk will begin. Mr. DePasquale said they are waiting for a dry season. Mr. Silva said the officials have to keep their eyes on everything and expressed concern about liability for the Township.

Mayor Gaskill asked if Timber Glen has to get Pinelands approval for the work there. Mr. DePasquale said they do.

### Public Comment

Aline Dix questioned what the Workforce was and who Mr. Bruner is. Mr. Sasdelli explained the County Workforce Investment Board which is the work support program is for people on general assistance, food stamps, etc., who can be required to work a certain number of hours. He explained Mr. Bruner runs the program and finds work for them in different levels of government. Ms. Dix asked if unemployed people who aren't on welfare can go there and get a job. Mr. Sasdelli said he didn't know. He said Mr. Bruner's office is in Pleasantville.

Ms. Dix commented on speaking with a woman today who said her son missed the lifeguard class at Hess School but took it at Mainland expecting he would have a job at the Cove. She said she didn't know the personal circumstances but there is a certified lifeguard in the neighborhood with no job. She said she couldn't believe that with the amount of unemployment other people wouldn't have applied if they new these jobs were available. Ms. Dix said the crisis that exists now wouldn't be a crisis if the Township had started selling beach tags and they would have had a pot of money. She said her budget for the Cove salaries was less than \$19,000.00.

Peg Capone thanked Mr. Silva for attending the wine festival on the weekend for the food bank. She said her goal for next year is to have a higher participation of Township employees and merchants.

June 15, 2009

Mrs. Capone asked which Committee Member approved charging the Merchants' Association for police at Hometown Celebration. She said the last she heard the Sheriff's Department was providing security and then the Association was told last week that they had to immediately write a check for \$400.00 for a police officer. Mr. Sasdelli read from the applicable Ordinance regarding off-duty employment for police officers and explained that the user group has to pay for the services and it has to be paid in escrow. Mrs. Capone questioned who made the decision that they needed police officers and why the Association was left out of the loop if the Township is going to bill the organization that initiated the idea. Mrs. Capone said the Association is getting free Sheriff's Officers and that she didn't like that all officers working that day could be shifted to have one officer work the Hometown Celebration. She said she thought it showed the Townships unwillingness to work with the merchants and that she is disappointed in what occurred. Ms. Gatto said this was the first she heard about it. Mrs. Capone said she constantly hears the Administrator say he follows the Township Committee's directions. She said the Association didn't even have time to dispute having to bring in the \$400.00 immediately. Mayor Gaskill said he could only assume that is because there is a staffing level that has to be there because of the size of the crowd expected. Mrs. Capone questioned how the police knew the size of the crowd. The Mayor said they know from past experience. Mr. Sasdelli explained this is a routine thing that happens all the time with South Jersey Gas, Comcast, etc. and it is not negotiable. He said the Association asked the County for permission to close the road and if the County grants that permission the Township has to determine how many officers it will take to close the road. He said the Sheriff's Department has nothing to do with it. Mrs. Capone said it was the County talking to the police and Mr. Kurtz was asked to step out of it. She said the Association was taken out of the equation and given a bill. Mr. Sasdelli said it is the Association's event. Mrs. Capone said she didn't think it was fair that the Township employees were not aware fireworks were eliminated. She said that when negotiations came up about the Sheriff, the Chief of Police didn't know there were no fireworks. Mrs. Capone said people are being referred to the Association about fireworks and the Township cut it out of the budget, not the Association. She said it was the Township's responsibility to let the public know the fireworks were cut.

Rob Curtin questioned what is being done about tackling next year's budget deficit. Ms. Gatto said the Finance Committee met last week; went over the audit report; and got a tentative status report on next year and what the governing body needs to be doing. She said there will be a six-month review at the next meeting, there will be budget reports at every meeting coming up, and then some strategies and options they think the Township has will be put out. Mr. Curtin commented on it being \$2 million to \$3 million and said there are some huge ticket items in there. Ms. Gatto said the Township is ahead of the game according to state deadlines. She said the Township is on schedule going through the summer and those kinds of discussions will be held earlier.

Mr. Curtin said that the Primary election clearly didn't go Mayor Gaskill's way and that in leaving office, the Mayor did and tried to do what he thought was best. He said he thought the election was a clear message that the budget has to be dealt with and those members remaining have to understand what that vote meant. Mr. Curtin said he thought the vote Mr. Pritchard and the other person who won got was a vote against the Mayor. Mayor Gaskill said Mr. Pritchard's reputation preceded him. Mr. Curtin said the Committee has to understand that people will show up at the polls and they are concerned about the budget. He said Mayor Gaskill did a lot of things for this Township but he and the Mayor disagree on the budget.

Rich DeFeo commented former Mayor Sacchinelli having a "Mayor's Cup" at a tournament a couple of years ago and said he thought it could be done again. Mayor Gaskill said the Township Committee would appreciate getting a Chairman for it. Mr. DeFeo said if they got \$4,000.00 it could be spread out to the Association for the Hometown Celebration and fireworks. Mr. DeFeo said the Association paying the \$400.00 was like writing a check when you don't have money in the bank.

Teresa Thomas asked if the 2008 audit was on or was going to be on the website. Mr. Sasdelli said it wasn't and he hadn't planned on doing that. He said it is available for people to review in Town Hall. Ms. Thomas suggested that the audit be gotten in a format that could go on the website in the future.

Ms. Thomas said she believes the Merchants' Association was told last year that fireworks were not being funded this year. She said she thinks they assumed it would be done the same way this year as it was last year. Ms. Thomas said it was a shock when she tried to make a donation to them and couldn't.

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

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

June 15, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss potential negotiations with Shore Memorial Hospital regarding Lot 6 in Block 994.01 and potential litigation involving The Preserve at Hamilton and their surety, First Republic Bank, both of which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law, and that the governing body will not reconvene in public session because no action is expected to result from the discussions at this time.

BE IT FURTHER RESOLVED that the results of said executive session discussions shall be made know as soon as the negotiations are no longer confidential.

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

ATTEST:

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