

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JULY 20, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ, was held on the above date with Deputy Mayor Roger Silva presiding. Members present were Amy Gatto, Thomas Palmentieri and Charles Pritchard. Mayor Gaskill was absent due to illness. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Randolph Lafferty, Township Solicitor and Edward Walberg, Township Engineer.

The meeting opened with the 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 faxing or e-mailing a copy of said notice, along with the agenda for this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place in the municipal building, Mays Landing, New Jersey on Monday, July 20, 2009 at 6:30 PM.

A moment of silence for private reflection was observed. Deputy Mayor Silva announced Mayor Gaskill was in the hospital and asked the public to remember him and hope for his quick recovery.

Terry Draeger was presented with the Employee of the Quarter Award by Committeewoman Gatto. Ms. Gatto read the recommendation made by Ms. Draeger's supervisor, Warren DaGrosa.

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 additions, deletions and/or corrections be made to the agenda for consideration and action to be taken thereon tonight:

Item 7.A Insert names of businesses:

1. Chilly Willy - ice cream sales at 6001 black Horse Pike #167.
2. Tropic Thunder - food/ice cream sales at 800 Route 50, Unit E-1.
3. Aqua Cleaners - dry cleaning/laundry/tailoring/shoe repairs in Mays Landing Plaza, 6167 Harding Highway Suite 3.
4. Chicken For U, LLC - restaurant in Hamilton Mall.
5. Catherine's #5344 Inc. - women's apparel/accessories store in Consumer Square.

Item 7.F Delete Block 54/Lot 3 (purchased by a contiguous owner).

Item 7.L Correct Block number to read 786.

Item 7.M Authorize renewal of Liquor License #0112-33-025-007, Palace Restaurant & Outfitters LLC - tax clearance certificate received after July 6, 2009.

Item 7.N Accept notice that Bank of America has reinstated the automatic extension terms of letter of credit #68013529, performance guarantee for Toys "R" Us and extending the expiration date to August 4, 2010.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

There were no executive session confirmations to be made.

There were no requests to make early public comment on Agenda items.

Mid-year JIF status report

Mr. Sasdelli distributed copies of the report he had given to the governing body to members of the public for their convenience in following along with his summary of its contents. A copy of the report on file and available for review in the Township Clerk's Office. He said the Township got an \$85,000.00 dividend last year that is computed on various data and one of the requirements is that the Township Committee be briefed on what is happening with JIF at least once a year. Mr. Sasdelli said the Atlantic County JIF is the most successful joint services in New Jersey so far. He explained there are 44 municipalities in the Atlantic County JIF that take advantage of economies of scale, share costs, risks and things of that nature. Mr. Sasdelli explained JIF focuses heavily on risk management, claims management and safety programs and that the JIF team appointed by Township Committee is: himself (Fund Commissioner), Ingrid Perez (Alternate Fund Commissioner), Lisa Hedrick (Safety Coordinator), Mary Kelly (Claims Coordinator) and Nick Cashan (Risk Management Consultant). He said the first most important program is the Safety Program and the second is Claims Management. Mr. Sasdelli explained that he serves on and is Vice Chair of the JIF Claims Review Committee. He said he attends a meeting every month where every claim in everyone of the 44 member towns, case by case, to look for lessons learned and trends to educate other JUF Members so the same things don't happen over and over again. Mr. Sasdelli explained Hamilton Township went 829 days without a lost time injury and received a

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safety incentive award that had to be spent on the employees and showed a picture of the "department head chefs" at the free cook-out lunch held at the Senior Center. Mr. Sasdelli said the Township spends about \$900,000.00 on JIF which covers general liability, workers' comp, auto, public officials' liability, property claims and employment practices; basically everything except health insurance. He showed a line graph and explained a ratio of 100% means that for every dollar you paid in a dollar was paid out in claims. Mr. Sasdelli pointed out that the Township was at 43% in 2008. He said the Township has increased use of transitional duty days and explained that is when an employee is hurt on the job and the doctor says they can return to work but not to full duty and they are brought in for "light duty". Mr. Sasdelli said reporting times improved and the Township now has accident investigation boards. He said that the fire and rescue squads are actively involved and Mrs. Dreager who is the ESAB secretary had a lot to do with that along with the Board Chairman Fire Chief Carrigan. Mr. Sasdelli said the police accreditation will help lower the Township's premiums and deductible. Mr. Sasdelli said work is still needed on single vehicle accidents, thinking safety before doing things, increasing awareness of those volunteers who have blue lights on their vehicles the Township employees and low frequency, high risk tasks. He said Township employees don't do high risk things very often and that is why more care should be taken when they are done. He commented on some physical improvements that need to be done with like sidewalks, the municipal building, and the parking lot and said there are always those kinds of things to be done and it takes money. Mr. Sasdelli said he is very pleased with the JIF Team the Committee put together and with the progress they have made so far. He said a 43% loss ratio for 2008 is exceptional and it will be very difficult to maintain. Mr. Sasdelli said it would only take one accident with a large payout to push that figure right back up. He said there was a black-ice accident with a police car and 2 civilian cars in 2008; all 3 cars were damaged; there were significant injuries to the officer and other driver; and that one claim alone is \$307,000.00 so far and it is still open. He said the one good thing with it is that it is one accident that spiked as opposed to a high frequency of claims and hopefully the line will go back down when that claim is closed. Mr. Sasdelli said the Township only had \$200,000.00 in claims the year with the 43% ratio.

Ms. Gatto asked if the Township could benefit from best practice sharing from by other utilities in the municipality like the cable and electric utilities. She cited the "2 minute drill" employees at the utility company she used to work for used before doing any high risk task as an example. Ms. Gatto asked if there was any thought had been given to a Health Insurance Fund (HIF). Mr. Sasdelli said there has been a lot of discussion and it was a topic of last year's retreat and will be again this year. He explained it is more complicated because you are self insuring the health insurance.

Deputy Mayor Silva asked where the Township ranked at this time. Mr. Sasdelli Hamilton was 39th out of 44 last year on the lost opportunity days and this year it is 28th or 27th.

Public hearing/adoption - Ordinance #1653-2009

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

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

Mr. Palmentieri questioned the size of each lot. Mr. Pritchard read that portion of the ordinance. Mr. Palmentieri said they are each only about one-quarter of the minimum lot size required.

There being no further questions or comments from the Members, Ms. Gatto moved, seconded by Mr. Pritchard, that the following resolution be and is hereby adopted.

WHEREAS Ordinance No. 1653-2009 was introduced and passed first reading July 6, 2009 and was duly advertised in the July 8, 2009 issue of the Atlantic County record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, July 20, 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. 1653-2009 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1653-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 534 LOT 12.02; BLOCK 666 LOT 23; AND BLOCK 1119 LOT 2, 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 administrative costs including but not limited to 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.

Public hearing/adoption - Ordinance #1654-2009

Aline Dix said it was stated at the last meeting that this is calculated at one and one-half (1½) the officer's regular hourly rate and said she never heard it said that way before here or anywhere else. She commented on recently hearing how hard it is on a vehicle to let it idle for hours. Ms. Dix said the Township is trying to charge other entities for a police officer to stand there with the car idling for hours burning gas and tearing up the innards of a mechanical engine and there is no payment for that. She questioned why Class II Officers that make maybe \$13.00 an hour aren't being used. Ms. Dix said they are limited to 20 hours a week so they could do it without reaching the time and one-half rate. She suggested some of the money collected could then be pumped into maintenance of the vehicles. Ms. Dix said the whole thing needed to be looked at differently. She said maybe somebody who was laid off could be doing this as a full-time job. Ms. Dix said it wouldn't be a budget line category. Mr. Sasdelli said it is a third-party pay system. Ms. Dix said that money is supposed to be deposited before the work is done and whether or not that is happening is the Committee's problem to solve. She said if a cop is being used at \$50.00 an hour instead of a Class II at \$13.00 an hour that is 4 hours to 1 in terms of dollars and cents. She expressed her opinion it had to be looked at if it is a union contract issue concessions have to be made just as they were in Galloway and Egg Harbor Townships. Deputy Mayor Silva said he thought Ms. Dix point was well taken but many other considerations have come to light. He said this Township like the others will be looking at some very hard issues for next year's budget. The Deputy Mayor said someone brought the significant increase in benefits costs of 20%-25% next year. He said that municipal aid is down and may be less next year. Deputy Mayor Silva said the Township doesn't have that many Class II officers. Ms. Dix asked if any Class II Officers were laid off. The Deputy Mayor said they were. Ms. Dix said she understands the budget situation but part of that problem is the amount of money being spent to repair police cars. She said the MUA adopted a resolution in 1996 setting 30 hours as number of hours to be eligible for health benefits. Ms. Dix said the Committee should do that if they haven't already done it and if they have done, it should be looked at. She said the idea of using a Class II could also mean an on-call person could be used. Ms. Dix said that just because they hit 40 hours in one pay cycle doesn't mean they are entitled to health benefits. She said people need to work and it would be an opportunity for the police to rest when they are supposed to be off duty and allow other people to have at least a \$13.00 an hour job.

Mr. Sasdelli explained that not all the extra duty assignments require a police car and when they do the Township charges \$20.00 a day for it to go towards maintenance of the car. He said the Township has used Special Officers for this duty and will continue to do so when they can but the Township has to be very careful because the State Statute says Special Officers can only be used to supplement the Police Department, not to supplant regular officers. He said if the Township had more Special Officers they would use them.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Deputy Mayor Silva called for a motion to adopt the Ordinance. Ms. Gatto said she was hesitant to move for adoption because she wonders if \$20.00 a day is sufficient to cover the vehicle costs. She questioned how that figure determined and what kind of analysis was done. Mr. Sasdelli said he relied on Mr. Morley and Chief McKeen for the amount.

Mr. Palmentieri was that was his first question and his second was how a "day" is defined. He asked if it was the same for 8 hours versus 24 hours and if it was \$10.00 for 4 hours. He asked if it was 8 hours or 24 hours and is it the same for each amount of time. Chief McKeen said a day is an 8-hour shift Mr. Palmentieri asked if it had to be defined better in the Ordinance. Mr. Lafferty said he thought it would be better to specify the period and say it is for an 8 hour period. Mr. Palmentieri asked if it would be better to put in an hourly rate. Deputy Mayor Silva suggested putting in that the rate would be higher for anything over 8 hours. After comments about the possibility a smaller job might be less than 8 hours, Ms. Gatto suggested there be an 8-hour minimum. Mr. Palmentieri said he thought whatever it is has to be defined and that the Committee wants it to be a higher rate for an 8-hour shift when "a day" is defined and suggested \$50.00 or \$75.00. He questioned the number of vehicle replacements needed per year. Chief McKeen said it they replace 8 to 10 a year. Mr. Sasdelli said the cars roll about 1.2 million miles a year and if you get 100,000 miles a year from a car, you burn about 10 cars a year. He said sometimes the Township can get one with a grant. Mr. Palmentieri asked if changes made to that one section would be significant enough to require reintroduction or if it could be passed with the modification. Mr. Lafferty said he didn't think it would but the question is what the rate will be set at. Ms. Gatto said she would table it or hold it until the meeting to clarify the rate.

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Deputy Mayor Silva said Ms. Dix brought up good points about wear and tear on the engine and that he didn't know if \$20.00 would cover the gas.

Mr. Palmentieri asked if it be brought back for adoption at the next meeting without reintroduction. Mr. Sasdelli said it would be with a clearer definition of "B" and a revised rate.

Ms. Gatto asked if it had to be formally tabled. Mrs. Anderson said the Committee should close the public hearing, move whatever the amendment they want is and postpone final reading and adoption until the next meeting. Mr. Sasdelli said he thought the Committee just wanted him to bring them recommendations for a clearer definition of the time period and a revised rate the next meeting.

Mr. Pritchard said there may be more debate on the ordinance because there may not be agreement on the rate and asked if the Committee could go for final adoption because of the substantive changes issue.

Mr. Palmentieri suggested for the sake of trying to resolve it that it be made \$15.00 per hour with a minimum of 2 hours per use. Ms. Gatto said she wasn't comfortable taking a shot in the dark. Mr. Pritchard agreed with her.

No action was taken on the Ordinance at this time and it was agreed that the public hearing will be reopened at the next meeting.

Introduction of Ordinance #1655-2009

Mr. Sasdelli explained the Ordinance adds a charge for zoning permits and nothing else in the fee schedule was changed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1655-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, August 3, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

TOWNSHIP OF HAMILTON ORDINANCE NO. 1655-2009

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 203, DEVELOPMENTAL ORDINANCE, OF THE CODE OF THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, STATE OF NEW JERSEY, AND AMEND THE TOWNSHIP ZONING MAP

WHEREAS, the Mayor and Township Committee of the Township of Hamilton have determined that it is in the best interests of the residents of the Township to amend and supplement the Hamilton Township Developmental Ordinance in order to advance the recommendations of the 2006 Master Plan Reexamination Report and to encourage development of non-residential projects in the Township.

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

1. Amend Chapter 203 of the Code of the Township of Hamilton (aka the Developmental Ordinance)
 - 1) Amend Article II, Districts, §203-12, District boundaries; Zoning Map, by amending subsection B as follows:
 - B) The Zoning Maps shall consist of the following:
 - 1) Zoning Map, scale one inch equals 2,000 feet, dated March 28, 2008, last revised to (insert the date of adoption of this ordinance).
 - 2) Zoning Map, Map 3 of 3, scale one inch equals 400 feet, last revised to (insert the date of adoption of this ordinance) (Mays Landing Area)

- 3) Zoning Map, Map 3, scale one inch equals 2,000 feet, last revised March 9, 1991 (Pinelands Management Area).

- 4) Zoning Map, Map 5, scale one inch equals 2,000 feet, last revised April 12, 1996 (Historic Areas Map).

- 2) Amend Article II, Districts, §203-12.B., Zoning Maps, by changing the zoning designation of the commercial area situated along either side of Main Street east of the intersection with NJ Route 50 from General Commercial to Village Commercial.

- 3) Amend Article III, Definitions and Word Usage, §203-18, Definitions, as follows by inserting the following at the appropriate alphabetical location:
RESTAURANT, OUTDOOR – Any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas and may contain furniture, including tables, chairs, railings and planters that are readily moveable.

- 4) Amend Article IX, Commercial Districts, §203-58.C., Conditional uses, to change the title of the use ‘Automotive Service Stations’ to “Automotive Services”

- 5) Amend Article IX, §203-60., Off-street Parking, D.(Handicap parking requirements), by deleting subsections (1), (2) and (3).

- 6) Amend Article IX, §203-66., Arcades, as follows:
§ 206-66. Gaming arcades.
Gaming arcades, as defined in this chapter, shall be permitted in the Design Commercial and Highway Commercial Zones (NOTE: except in Forest Areas), provided that:
A through E (unchanged)

- 7) Amend Article IX, §203-68., Automobile service stations and repair garages, as follows:
§203-68. Automotive services.
A) Purpose. Automotive services shall be permitted, provided that the minimum requirements are met.
B) (Unchanged)

- 8) Amend Article IX, §203-71., Regional and design commercial shopping centers., as follows:
 - 1) Section B “Permitted uses”, is amended by revising the Use description for Restaurant as follows:
Restaurants wherein the consumption of food dispensed or sold therein or thereby occurs within a structure or a defined outdoor area and specifically excluding outdoor counters, drive-thru, or curbside service.
 - 2) Section G., Lighting, is amended as follows:
G. Lighting. Adequate lighting shall be provided to all parking areas, loading areas and pedestrian circulation areas and other areas as required in accordance with standards set forth in Article IX, Commercial Districts, §203-62, Lighting, of this chapter, except that the height of light standards may be 35 feet.
 - 3) Delete Section K., Market analysis, in its entirety.

- 9) Amend Article IX, §203-74. A, Village Commercial District, by changing the first sentence as follows:
A) Purpose. The purpose of this section is to encourage commercial and office uses that are compatible with the historic and residential character of the area generally along Main Street and Mill Street from the eastern end of Gaskill Park to Railroad Avenue by: ... (NOTE – the rest of the sentence is unchanged)

10) Amend Article X, Industrial Business Park Districts, §203-87., Office District, by amending subsection A, which lists the areas included in the Office District, to include lots on Wabun Boulevard as follows:

A) The intent of this district is to establish Lots 1, 2, 3 and 4 in Block 994, Lots 16.01, 16.02, 17, 18, 19, 20.01, 20.02, 21, 22.01, and 22.021 in Block 991, Block 993, Lots 7 thru 10 in Block 994.01, Lot 2 in Block 994.02 and Lot 10 in Block 994.04 as an enclave of office development in the Hamilton Township Business Industrial Park.

11) Amend Article XII, Subdivision, Site Plan and Conditional Use Approval, §203-116, Details for preliminary and final site plan, subsections A(2) and (3) as follows:

2) General administrative review procedures.

(a) Administrative review may be requested by applicants seeking minor development approval as described herewith. Applicants requesting administrative review for minor revisions and/or additions to a site plan shall be required to submit an application for the modification. This application shall be limited to the changes proposed and shall provide sufficient information to fully describe the changes proposed so that the Board's professional consultants can determine if the cumulative effect of the change does not significantly alter the plan as originally approved. Where applicable, applicants shall also be required to submit an application to the NJ Pinelands Commission pursuant to the provisions of §203-9. The Board's professional consultants shall determine if an administrative remedy is appropriate for each particular case and shall be empowered to grant approval in lieu of Planning Board or Zoning Board of Adjustment action, if the application is one of the following and does not require a variance or waiver:

(1) Building addition to nonresidential use up to 10% of the total floor area approved by the Board.

(2) Exterior lighting

(3) Signs

(4) Addition or removal of 10% of the existing parking area, whichever is less.

(5) Underground fuel tanks for personal use of site occupants only, not for wholesale/retail sale of fuel.

(6) Revisions to approved plans involving the following:

(i) Landscaping

(ii) Drainage

(iii) Phasing/staging

(7) Other changes to the site plan or project which the Board's professional consultants deem sufficiently minor in nature so as not to require review by the Planning Board or Zoning Board of Adjustment.

(b) A change in use, provided that the desired use is permitted in the subject zone, and further provided that any effects of the change are consistent with Subsection A(2)a.1. through A(2)a.7.

(c) (NO CHANGES)

(d) (NO CHANGES)

3) Historic District and Village Commercial District administrative review procedures.

(a) Applicants must attend a workshop meeting with Board professionals to discuss the project for a more determined procedure as an addition to the following items being met:

(b) All items mentioned in §203-116A(2)a., except that the maximum building expansion shall be limited to the lesser of 1,000 square feet or 15% of the total existing floor area.

(c) Parking area requirements and setbacks may be reduced by 10%.

(d) Building setbacks may be reduced by 10%.

B) (NO CHANGES)

13) Amend Article XII, §203-116, Details for preliminary and final site plan, Section D.,

Final major site plans, subsection (4) as follows:

- 4) Performance guaranties, approved by the Municipal Solicitor as to form and the Municipal Engineer as to amount, sufficient to ensure the satisfactory completion of improvements and facilities as required by resolution of the Planning Board granting preliminary approval. The developer’s engineer shall submit a detailed engineer’s estimate for review and approval by the Municipal Engineer.

14) In lieu of a performance guarantee for improvements not located in a right of way or easement area, nonresidential developers may request Planning Board approval to provide a guarantee to restore the site to a stable condition. For the purpose of this section, the term restore means the removal any unsafe condition, redistribution of stockpiled soil over the site and revegetation of the site. Developers requesting a restoration guarantee shall submit a restoration plan for review and approval by the Board Engineer. The developer’s engineer shall also submit both a performance cost estimate, to be used for the calculation of required inspection fees pursuant to §203-133.C., and a restoration cost estimate for review and approval by the Municipal Engineer.

15) Amend Article XV, Special Regulations, §203-169, Buffer landscaping requirements, section C as follows:

- C) Nonresidential and residential use relationships are as follows. (NOTE: These requirements do not apply to planned unit residential developments). For the purpose of this section, the buffer separation shall also include any rights of way or easement areas located between the use categories.

Use Category	Total Buffer Separation (feet)	Minimum Buffer Applicable to Each Category (feet)	Use Category
Industrial	200	100	Residential
Commercial	200	100	Residential
Agricultural	200	100	Residential

2. Repealer. 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.

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

4. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

ROLL CALL: GATTO	“AYE”	
PALMENTIERI	“AYE”	
PRITCHARD	“AYE”	
SILVA	“AYE”	
GASKILL		ABSENT

ORDINANCE NO. 1655-2009 INTRODUCED AND PASSED FIRST READING ON JULY 20, 2009.

July 20, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1656-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, August 3, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

**TOWNSHIP OF HAMILTON
ORDINANCE # 1656-2009**

**AN ORDINANCE AMENDING CHAPTER 167 OF THE TOWNSHIP CODE
TO PROVIDE FOR OR AMEND THE ADMINISTRATIVE FEES AND ESCROW DEPOSITS FOR
CERTAIN APPLICATIONS BEFORE THE PLANNING BOARD AND/OR THE ZONING BOARD OF
ADJUSTMENT OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC.**

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey that Article II of Chapter 167 of the Code of the Township of Hamilton, entitled Development Fees, shall be amended to read as follows:

SECTION I. Amend §167-6. A., Administrative fees for certain development applications, as follows:

APPLICATION	REQUIRED FEE
Minor Subdivision - Not Creating additional lots	\$ 250.00
Minor Subdivision - Creating one or more additional lots	\$ 250.00 for the 1 st lot \$ 25.00 each additional lot
Preliminary Major Subdivision 25 lots or less 26 to 100 lots 101 to 500 lots over 500 lots	\$ 300.00 + \$40/market lot \$ 500.00 + \$25/market lot \$ 800.00 + \$20/market lot \$ 1,200.00 + \$20/market lot
Final Major Subdivision 25 lots or less 26 to 100 lots 101 to 500 lots over 500 lots	\$ 300.00 + \$40/market lot \$ 500.00 + \$25/market lot \$ 800.00 + \$20/market lot \$ 1,200.00 + \$20/market lot
Site Plan, Nonresidential Under 5,000 SF of building From 5,001 to 10,000 SF of bldg. From 10,001 to 50,000 SF of bldg. From 50,001 to 100,000 SF of bldg. From 100,001 SF of bldg or greater	\$ 600.00 \$ 750.00 \$ 1,000.00 \$ 1,250.00 \$ 1,500.00
Amendment or Revision to Approved Site Plan	50% of original fee
Residential Site Plans	
Preliminary Application - Planned Adult Community	

	25 units or less 26 to 100 units 101 to 500 units over 500 units	\$ 300.00 + \$50/market unit \$ 600.00 + \$25/market unit \$ 800.00 + \$ 15/market unit \$ 1,200.00 + \$10/marketunit
	Final Application - Planned Adult Community 25 units or less 26 to 100 units 101 to 500 units over 500 units	\$ 300.00 + \$50/market unit \$ 600.00 + \$25/market unit \$ 800.00 + \$ 15/market unit \$ 1,200.00 + \$10/market unit
	Planned Village Development General Development Plan	\$ 1,000.00
	Planned Village Development Preliminary Site Plan Residential Units Commercial element(s)	Use applicable fee established for Planned Adult Communities \$ 300.00 + \$50/market unit \$ 600.00 + \$25/market unit \$ 800.00 + \$ 15/market unit \$ 1,200.00 + \$10/market unit Use applicable Nonresidential site plan fee
	Planned Village Development Final Site Plan Residential Commercial element(s)	Use applicable fee established for Planned Adult Communities Use applicable Nonresidential site plan fee
	Redevelopment Area Site Plan – Preliminary and Final Residential Units Commercial elements	Use applicable fee established for Planned Adult Communities Use applicable Nonresidential Site Plan fee
	Administrative Review	\$ 300.00
	Extension of Approval	\$ 250.00
	Conditional Use	\$ 350.00
	Variance: Use Variance All other Variances	\$ 350.00 \$ 50.00 per variance
	Appeal or interpretations pursuant to N.J.S.A. 40:55D-70 & 76	\$ 300.00
	Publication of Notices of Hearing	\$ 15.00 plus cost of publication
	Publication of Decisions	\$ 15.00 plus cost of publication
	Transcripts	\$ Actual Cost + 20%

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Zoning Permits	
Residential - new single family dwellings and/or additions to an existing dwelling	\$ 35.00
Residential - new two family and townhouse dwellings	\$ 35.00/unit
Residential - multi family structures	\$ 50.00
Nonresidential - new buildings and/or additions to existing buildings	\$ 50.00
Accessory structures (e.g. detached garages, detached decks, pools, sheds, fences, etc.)	\$ 25.00
Signs	\$ 25.00
Continued Zoning Permit	\$ 25.00
Certificate of Appropriateness	\$ 25.00

SECTION II Amend schedule of Escrow Fees found in §167-6.B, Review escrows, as follows:

DEVELOPMENT APPLICATION	REQUIRED FEE
Minor Subdivision (preliminary and final)	
without variance	\$ 1500.00
with variance	\$ 2000.00
Preliminary Major Subdivision (preliminary and final)	
25 lots or less	\$ 7,000.00
26 to 100 lots	\$ 10,000.00
101 to 500 lots	\$ 12000.00
over 500 lots	\$ 15,000.00
Site Plan, Nonresidential	
Under 5,000 SF of bldg.	\$ 4,000.00
Under 5001 to 10,000 SF of bldg.	\$ 5,000.00
From 10,001 to 50,000 SF of bldg.	\$ 7,500.00
From 50,001 to 100,000 SF of bldg.	\$ 10,000.00
From 100,001 SF of bldg. or greater	\$ 12,500.00
Amendment or Revision To Approved Site Plan	50% of original fee
Planned Village Development General Development Plan	\$ 5,000.00
Planned Adult Community , Planned Village Development & Redevelopment Area Site Plan (Preliminary and Final)	
Under 25 units or less	\$ 7,000.00
26 to 100 units	\$ 10,000.00
101 to 500 units	\$ 12,000.00
501 to 1,000 units	\$ 15,000.00
Administrative Review	\$ 2,000.00
Extension of Approval	\$ 2,000.00
Conditional Use	\$ 500.00
Variances (Bulk and/or Use)	\$ 500.00
Appeals or Interpretation Pursuant to N.J.S.A 40:55d-70 & 76	\$ 500.00
Tax Map Revisions	\$ Actual cost

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

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SECTION IV SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinances re-enacted together with this Ordinance, shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance and of the Ordinances re-enacted together with this Ordinance are hereby declared to be severable.

SECTION V WHEN EFFECTIVE This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

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

ORDINANCE #1656-2009 INTRODUCED AND PASSED FIRST READING JULY 20, 2009.

Introduction of Ordinance #1657-2009

Ms. Gatto said that by doing this refunding ordinance the Township will save \$218,000.00 between 2010 and 2013. She said the credit goes to the finance team.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1657-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, August 3, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

TOWNSHIP OF HAMILTON
ORDINANCE #1657-2009

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING BONDS OF THE TOWNSHIP, DATED DECEMBER 1, 1998 ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$14,127,000, APPROPRIATING \$5,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,250,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING 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 Township of Hamilton, in the County of Atlantic, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding bonds of the Township originally issued in the principal amount of \$14,127,000 General Obligation Bonds, Consisting of \$7,667,000 General Improvement Bonds and \$6,460,000 Refunding Bonds, dated December 1, 1998 (the "1998 Bonds"). The 1998 Bonds maturing on or after October 1, 2009 (the "Refunded Bonds")

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) Chilly Willy - ice cream truck based at 6001 Black Horse Pike #167 in Egg Harbor Township
- 2) Tropic Thunder - food/ice cream sales at 800 Route 50, Unit E-1.
- 3) Aqua Cleaners - dry cleaning/laundry/tailoring/shoe repairs in Mays Landing Plaza, 6167 Harding Highway, Suite 3
- 4) Chicken For U, LLC - restaurant in Hamilton Mall
- 5) Catherine's #5344 Inc. - women's apparel/accessories store in Consumer Square.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 bid of \$1,500.00 submitted by Ethel Chen for purchase of Lot 7 in Block 443 under provisions of Ordinance #1652-2009 be and is hereby accepted and sale of said property is hereby authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

RESOLUTION RATIFYING PUBLIC LAND SALE

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

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

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

WHEREAS at a public auction held on June 15, 2009 an offer of One Thousand Two Hundred Dollars (\$1,200.00) was made by Marvin McKellar whose address is 1385 Denver Avenue, Mays Landing, NJ 08330; and

WHEREAS no higher bid was offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer of One Thousand Two Hundred Dollars (\$1,200.00) made by Marvin McKellar for the following described parcel of land be and is hereby accepted and the sale of same to them is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOT NUMBERS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
398 / 1	.861 acre	West Jersey Avenue, Melvin Newton Blvd. and Denver Avenue

SPECIAL CONDITIONS IMPOSED: NONE

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to Marvin McKellar, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the June 3, 2009 and the June 10, 2009 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Sun National Bank \$71,077.53 letter of credit #2007064, maintenance guarantee for Parkshore of Hamilton I, LLC/Mays Landing Brickworks Professional Park Phases 1, II and III, is hereby released pursuant to recommendation of Robert J. Smith III, Township Engineer for the project dated July 7, 2009 and by F. Robert Perry, Remington Vernick Landscape Inspector for the project dated July 6, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON GRANTING THE APPLICATION OF JOHN AND DEBORAH PUCCI FOR RECONSIDERATION OF THE DECISION AND RESOLUTION OF DECEMBER 1, 2008 AND FUTHER RECINDING SAID RESOLUTION AND RETROACTIVELY GRANTING A SIX MONTH EXTENSION UNTIL APRIL 7, 2009, WITHIN WHICH TO COMPLY WITH THE MODIFIED CONDITION AND FURTHER REINSTATING THE "D" VARIANCE GRANTED ON CONDITIONS BY RESOLUTION DATED APRIL 07, 2008 REGARDING 828 HARRISON AVENUE AND OTHERWISE KNOWN AS BLOCK 1305, LOTS 9.01 AND 9.05 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON.

WHEREAS, John and Deborah Pucci (hereinafter "Applicant") applied to the Hamilton Township Zoning Board of Adjustment for use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1), to permit them to operate an excavation and tree servicing business from premises known a 828 Harrison Avenue and otherwise known as Block 1301, Lots 9.01 and 9.05 which is not permitted in the Rural Development (RD-5) District. The variance relief was granted by the Hamilton Township Zoning Board of Adjustment with conditions and the Hamilton Township Zoning Board of Adjustment's Decision was memorialized in a Resolution adopted on December 10, 2007; and

WHEREAS, Susan Diefenbeck (hereinafter "Appellant") filed an Appeal to the Hamilton Township Governing Body pursuant to Section 203-6(J) of the Hamilton Township Code as authorized by N.J.S.A. 40:55D-17; and

WHEREAS, Appellant provided to the Hamilton Township Governing Body and all interested parties a copy of the transcript of the proceedings before the Zoning Board of Adjustment; and

WHEREAS, the Hamilton Township Governing Body conducted a *de novo* review of the record established before the Zoning Board of Adjustment and held a public hearing on the matter on March 19, 2008 at the Township Hall of the Township of Hamilton for which public notice was given as required by law; and

WHEREAS, the Governing Body considered the Legal Briefs of counsel for the Applicant, counsel for the Zoning Board of Adjustment and the Appellant, appearing *pro se*, and heard oral

argument by counsel for the Applicant, the Zoning Board of Adjustment and the *pro se* Appellant at the public hearing on March 19, 2008; and

WHEREAS, the *de novo* review by the Governing Body was limited by Hamilton Township Code Section 203-6(J) and N.J.S.A. 40:55D-17 to review the variance granted pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, the Governing Body of the Township of Hamilton adopted a Resolution on April 07, 2008 affirming with modification of the condition precedent the decision of the Zoning Board of Adjustment of Hamilton Township regarding said application, which modification of condition is contained within Paragraph 3 of the aforesaid Resolution of the Governing Body and provided, *inter alia* that "Condition E" in the Zoning Board of Adjustment's Decision regarding the removal of dirt piles was modified so as to provide for such removal within six months from the date that the Governing Body's decision was memorialized by Resolution and further providing that if the Applicant was unable to remove the dirt within said time period, the applicant should come before the Governing Body and request an extension which extension, if granted, could be for no more than six months; and

WHEREAS, the aforesaid Resolution of the Governing Body of the Township of Hamilton further provided that upon such request for extension the Applicant was required to provide, *inter alia*, all demonstrative proof of the efforts undertaken to remove the dirt piles and all other relevant evidence supporting the Applicant's representations that all of the dirt could not be removed within the six month period subsequent to the April 07, 2008 Decision and Resolution; and

WHEREAS, the Governing Body of the Township of Hamilton retained jurisdiction over this matter in order to confirm and secure compliance with the aforesaid condition precedent, referred to as "Condition E" of the Zoning Board of Adjustment's Decision as modified by the Decision of the Governing Body within Paragraph 3 of the April 7, 2008 Decision and Resolution, and further in order to review, consider, and pass upon, any request made by the Applicant for an extension of time pursuant to Paragraph 4 of the April 7, 2008 Decision and Resolution of the Governing Body; and

WHEREAS, the Governing Body considered the written submission of the Applicant (appearing *pro se*) dated October 07, 2008 with attachments; reviewed the written submission of John H. Rosenberger, Esquire, counsel for the Zoning Board of Adjustment, dated September 30, 2008; heard the oral argument by the Applicant and the Appellant, both appearing *pro se*, and having taken testimony from Joseph Venezia, Mayor of the City of Estell Manor, on October 20, 2008; and

WHEREAS, the Governing Body further considered the oral argument of the Applicant, appearing *pro se*, and the Appellant, likewise appearing *pro se*, on November 10, 2008; and

WHEREAS, the Governing Body by Decision and Resolution adopted December 1, 2008, denied the request of the Applicant for an extension of time within which to comply with the required condition of the "D" variance which was granted on conditions precedent by Resolution dated April 7, 2008, and thereby rescinded and voided said "D" variance; and

WHEREAS, the Applicant, on December 30, 2008, through counsel, Alfred R. Scerni, Jr., Esquire, requested reconsideration by the Governing Body of the aforesaid Resolution adopted December 1, 2008; and

WHEREAS, litigation was thereafter instituted by the Applicant in a matter entitled John and Deborah Pucci v. Hamilton Township venued in the Superior Court of New Jersey, Atlantic County, Law Division under Docket number ATL-L-196-09; and

WHEREAS, as part of said litigation the Honorable Valerie H. Armstrong, A.J.S.C., entered an Order on May 6, 2009, remanding the Applicant's Application for Reconsideration to the Governing Body; and

WHEREAS, on July 6, 2009, the Governing Body conducted a public hearing regarding said Application for Reconsideration, having received and reviewed the submission (with attachments and photographs) by the Applicant's counsel, Thomas H. Darcy, Esquire, dated July 1, 2009; having heard the testimony and argument of the Applicant (Mr. Pucci), the Applicant's counsel and also the Appellant; and

WHEREAS, the Governing Body, on Motion of Committeeman Palmentieri and seconded by Deputy Mayor Silva, by a vote of 3 to 1 (with Deputy Mayor Silva, Committeewoman Gatto, Committeeman Palmentieri voting in the affirmative and Committeeman Pritchard against) granted the Application for Reconsideration based upon changed circumstances and otherwise for the reasons set forth upon the record;

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

1. That, for the reasons placed upon the record, the Applicant shall be and is hereby retroactively granted a 6 month extension of time (or until April 7, 2009), pursuant to Paragraph 3 of the aforesaid April 7, 2008 Resolution, within which to comply with the condition precedent referred to as "Condition E" in the Zoning Board of Adjustment's Decision as modified within Paragraph 3 of the Decision and Resolution of this Governing Body dated April 07, 2008; and

2. The Governing Body further determined after a full and thorough discussion that the Applicant has fulfilled the condition precedent referred to as "Condition E" in the Zoning Board of Adjustment's Decision as modified within Paragraph 3 of the Decision and Resolution of this Governing

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Body dated April 07, 2008, prior to the specified time frame, as hereby extended by this Decision and Resolution; and

3. The Governing Body further determined, and it is hereby ordered, to reinstate the "D" variance granted with conditions granted by the Hamilton Township Zoning Board of Adjustment and subsequently affirmed with modification by the Decision and Resolution of this Governing Body on April 7, 2008; and

4. The Governing Body made no further modification to the terms and conditions related to said "D" variance other than that provided for herein; and

5. This Resolution is adopted to memorialize the Decision made by the Governing Body on July 6, 2009, which Decision was passed by an oral resolution of four of the four members present of the Township Committee and which vote resulted in that which is set forth above, pursuant to N.J.S.A. 40:55D-17(e), and for the reasons set forth above and those placed upon the record which are hereby incorporated herein by this reference.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
ATLANTIC COUNTY, NEW JERSEY

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

ROGER SILVA, DEPUTY MAYOR

ROLL CALL: Gatto "AYE"
Palmentieri "AYE"
Pritchard "AYE"
Silva "AYE"
Gaskill ABSENT

RESOLUTION ADOPTED.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the public sale of Lot 2 in Block 55 be postponed until August 3, 2009 due to publication error.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 an item of revenue be inserted into the 2009 Municipal Budget as with offsetting appropriations: \$48,000.00 Titled Highway Safety Fund Program (Safe Corridors) Grant pursuant to N.J.S.A. 40A:4-87.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED that receiving of bids on August 11, 2009 at 10:00 AM for the purchase of Uniforms for Various Township Departmental Employees is hereby authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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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 proposal from Remington and Vernick dated July 9, 2009 to provide Land Surveying Services for an encroachment issue between Block 1140 Lots 1 and 3 for a lump sum fee of \$2,750.00 is hereby accepted and authorization is given for them to proceed, funding for said services to be paid from existing Ordinance #1565-06 (Liepe field).

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

**RESOLUTION OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY
MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.40A:2-51**

WHEREAS, the Township of Hamilton, in the County of Atlantic, New Jersey desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 for its review and approval of a proposed bond ordinance authorizing the issuance of not to exceed \$5,250,000 in refunding bonds for the purpose of refunding certain outstanding bonds of the City;

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Auditor along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gatto	NONE	NONE	Gaskill
Palmentieri			
Pritchard			
Silva			

RESOLUTION ADOPTED.

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

WHEREAS the Township solicited RFP proposals for the lease of Township-owned Lot 12 in Block 1093 for the sole purpose of constructing a personal wireless telecommunications tower with associated equipment; and

WHEREAS proposals were received on July 14, 2009 from the following companies: Capital Telecom, LLC, Morristown, NJ; T-Mobil, Bensalem, PA; and American Tower Corp., Baltimore, MD and are on file and available for public review in the Township Clerk's Office; and

WHEREAS the Deputy CFO has certified in writing that the RFP submitted by Capital Telecom, LLC meets or exceeds the minimum specifications of the RFP,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the RFP submitted by Capital Telecom, LLC, Morristown, NJ be and is hereby accepted and the lease of Lot 12 in Block 1093 is hereby awarded to them at a monthly rental rate of \$1,610.00 with a 3% annual escalator plus the greater of 30% of the rent or \$400.00 per month for co-locators with an exception that the co-location fee shall not be applicable to the first tenant because Capital Telecom is a tower developer/manager not a carrier.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS the Township solicited RFP proposals for the lease of Township-owned Lot 1.01 in Block 786 for the sole purpose of replacing an existing communications tower thereon and installation of personal wireless telecommunications antennas with associated equipment; and

WHEREAS the RFP submitted by Capital Telecom, LLC of Morristown, NJ was the only one received on or before 10:00 AM on July 14, 2009 and is on file and available for public review in the Township Clerk's Office; and

WHEREAS the RFP submitted by American Tower Corp. of Baltimore, MD was delivered by FedEx until 10:26 AM and was returned to American Tower Corp. unopened pursuant to the terms and provisions of the RFP specifications regarding submissions received after the designated time for opening of said RFPs; and

WHEREAS the Deputy CFO has certified in writing that the aforesaid RFP meets or exceeds the minimum specifications of the RFP,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the RFP from Capital Telecom, LLC, Morristown, NJ is hereby accepted for the replacement of an existing communications tower on Lot 1.01 in Block 786 and lease of same at a monthly rental rate of \$1,610.00 peer month with a 3% annual escalator plus the greater of 30% of the rent or \$400.00 per month for co-locators after the initial wireless antenna array with the exception that the co-location fee shall not be applicable to the first tenant because Capital Telecom is a tower developer/manager not a carrier.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS, applications for renewal of the following Plenary Retail Consumption License was accepted by the Township Committee of the Township of Hamilton for filing on June 15, 2009 with no action to approve or deny the renewal of said license pending receipt Tax Clearance Certificates; and

WHEREAS, the required Tax Clearance Certificate has been received,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Alcoholic Beverage Licenses are hereby approved and issued for the period July 1, 2009 through June 30, 2010:

PLENARY RETAIL CONSUMPTION LICENSE:

PALACE RESTAURANT & OUTFITTERS LLC 0112-33-025-007	PALACE RESTAURANT & OUTFITTERS	6924 BLACK HORSE PIKE MAYS LANDING, NJ 08330
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RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED by the Township Committee of the Township that the confirmation from the Bank of America that their Notice of Non-extension of letter of credit #68013529, performance guarantee for Toys "R" Us, Inc. effective July 13, 2009, reinstatement of the automatic extension terms and extension of the expiration date to August 4, 2010, be and is hereby accepted.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$1,625,953.87 as of July 16, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Reports

Administrator: None

Solicitor: None

Engineer: None

Mr. Pritchard reported a group including Teresa Thomas has come forward and they intend to raise funds for fireworks next year. He said they have met with Mr. Sasdelli and done some research on how other towns do it. Mr. Pritchard said most of them have Special Events Committees that raise funds and work with the township to have fireworks and provide the necessary manpower and liability insurance. He requested it be listed for discussion on the next agenda so Teresa can present any comments she has and the Committee can discuss it and proceed to move forward next year.

Ms. Gatto said it was reported at the last meeting that the Township's Bond Rating had changed positively and significantly and they were waiting for the interest rate for the bond sale. She said she thought Mr. Sasdelli announced it was 2.9% which was largely due to the improvement in the rating. Ms. Gatto reported that since last meeting it has been learned that it will save the Township \$516,000.00 over the next 10 years. She said this is another credit to the Finance Team and some of the practices the Committee has been putting in place.

Ms. Gatto reported the Township has a college intern working in the Construction Office and explained there is at no cost to the township because she gets college credit for it.

Public Comment

Peg Capone asked if there were any discussions about a salary freeze for next year considering the anticipated budget shortfall. Ms. Gatto said that and all kinds of things having to do with salaries and contracts are being worked on. Mrs. Capone asked if she could assume that was a "yes". Ms. Gatto said they are working on several possibilities. Mrs. Capone asked if there was any consideration of increasing the employees' contribution to their health benefits and how much it might be. Ms. Gatto said that is one of the things being looked at. Mrs. Capone asked if any specific percentage is being considered. Deputy Mayor Silva said he didn't speak for the Finance Committee but he is pretty well informed of their actions and by the update given at the last meeting. He said it isn't too early to think about or begin acting on any of these matters since they have been able to identify a number they want to shoot for based on the last presentation that the shortfall was between 2.6 and 2.8 million. He said he thought they were able to justify getting it down to \$992,000.00. Deputy Mayor Silva said he thought that there were many other options being looked at with that in mind. Ms. Gatto said that included the anticipated health care rate increase. Mrs. Capone asked if it was accurate that health care cost about \$2.1 million. Mr. Sasdelli said it was. Mrs. Capone asked if the stated amount of reductions was \$986,000.00. The Deputy Mayor said the reductions they looked at were greater than that. He commented on it being said at the budget hearings that the other 60%-65% of the budget that doesn't seem to get addressed had to be looked at and he thinks the Finance Committee is zeroing in on everything now. Mrs. Capone asked when the public could anticipate hearing feedback on it or if they had to wait until it was done before they would hear. Ms. Gatto said that a schedule of budget presentations was laid out several meetings ago and at the next meeting there will be a more robust picture of what they are looking at in 2010 and some ideas the Finance Committee has been discussing to get feedback from the other members and public. Mr. Sasdelli explained the Committee can't adopt a budget until it is introduced, advertised and a public hearing is held 30 days after that. Deputy Mayor Silva said budget discussions started in January in the past but this Committee is starting to look at things now in July and that helps the Committee to face the reality. Mrs. Capone said she was glad to hear that. She said in the private sector part-time employees do not get benefits and questioned if there was a possibility that part-time employees will not get health coverage. Mr. Sasdelli said part-time employees under 27 or 28 hours don't get health coverage but if elected officials was where Mrs. Capone was going, they are not part-time employees according to the State Health Benefits Program which the Township participates in. Mrs. Capone commented one someone who already has health insurance being paid not to take it. She said she didn't know why the Township does it and it might be another way to save money.

Mrs. Capone said she understood some Committee Members opted out and donated that money to different parts of the budget but some didn't and she doesn't think it is right if they already have health care.

Mrs. Capone asked if it was accurate that if she was a Township employee she could leave work during the regular work schedule, take higher education classes and still be paid while she attended those classes and that if she took classes at night she would get comp-time off for it. Mr. Sasdelli said employees cannot leave work to take college classes to improve themselves. He said that the state may say a Building Inspector has to take a 4-hour course in fire drywall and they get paid for that because it is duty related.

Aline Dix referred to an item on page 13 of the bill list for doggie bag dispensers, doggie bags and for shipping totaling \$1150.00 and asked if that was an internal decision or a decision of the Township Committee. Mr. Sasdelli said it doesn't go through the Township Committee because the Township has a Clean Communities Coordinator, Jeanne Parkinson, who coordinates that but he didn't know what that particular clean-up was for. Ms. Dix said Clean Communities Grant money comes from the State that gets it by taxing the citizens. She asked where the dispensers will be put and said most people take their own bags with them. She questioned whether this is the highest and best use of the grant money. Deputy Mayor Silva asked Mr. Sasdelli to check into it and get back to Ms. Dix. Mr. Sasdelli said the Township gets about \$80,000.00 in grant money and the item in question is about \$1050.00. He said he didn't know if this was one of the categories but different percentages of the money have to be allocated for education, litter abatement, signage, and a post grant accounting has to be filed showing that you did it. Mr. Sasdelli said the state doesn't want the money used for two employees to pick up trash along the road. Ms. Gatto said the money is lost if it isn't used.

Ms. Dix commented on the Township taking out playground equipment at the Cove that she didn't feel had to be ripped out and then put down ridiculous mulch that they try to hold in place with rubber curbs. She said the new playground is where the wind blows the sand. Ms. Dix commented on a recent news article about Longport's playground that JIF approved their use of sand and asked Mr. Sasdelli to look into it. Ms. Dix also suggested the rubber curbs be taken out and used at other playgrounds and new ones not be bought. She asked that the mulch be taken out and the sand be left around the equipment. Ms. Dix said the sand is nice and soft and kids have been falling off onto the sand for years. Mr. Sasdelli said the sand has to be playground certified. Mr. Walberg said he looked in other municipalities using sand in previous years and sand that meets the fall requirements was only recently been approved but it doesn't meet the ADA requirements while the mulch does. Ms. Dix said that when the wind blows the beach sand will be on the playground no matter what the Township does. Mr. Pritchard said Longport had to spend a considerable amount of money to bring in special sand.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Ms. Gatto moved, seconded by Mr. Pritchard, 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 settlement of the Pond & Spitz v. Hamilton Township litigation which is 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 known as soon as the potential settlement is no longer confidential.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

ATTEST:

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

Public session adjourned at 7:26 PM.
Executive Session opened at 7:30 PM.