

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
AUGUST 3, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Nelson Gaskill presiding. Members present were Amy Gatto, Thomas Palmentieri, Charles Pritchard and Roger Silva. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, 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 on the bulletin board in the municipal building and by faxing or e-mailing a copy of the notice, along with the agenda of this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 p.m. on Monday, August 3, 2009 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Police Department Accreditation Presentation

Mitchell Sklar, Director of the New Jersey Association of Chiefs' of Police, overseer of the State Accreditation Program and liaison to the National and International Accreditation organizations explained the accreditation. He said it holds the recipient departments to the highest national standards. Mr. Sklar said the Hamilton Township Department met those standards and received its accreditation for 3 years on June 10, 2009. He said one of the tangible benefits of accreditation is the municipality receives a discount on its police insurance. Chief McKeen accepted the certificate of accreditation on behalf of the department. The Chief gave a summary of the work Lt. Mark Cooker did as the Accreditation Manager and presented him with a certificate of appreciation.

Police Department Awards

Chief McKeen said 18 officers and 2 private citizens were being recognized and gave a synopsis of the basis for each award before presenting it. The following awards were presented:

Certificate of Appreciation: Officer Peter Burns

Exceptional Service Awards: Detective Michael Robison (2), Sgt. Joseph Guerrier, Detective Frank Schalek and Detective Chris Gehring

Life Saving Awards: Sgt. Patrick Muller, Sgt. Mark Clopp, Officer Jim Longo, School Resource Officer Christine Armitage-Cooker, School Resource Officer Glenn Hausmann, Officer Brian Miller, Officer William McElrea, Officer Michael Peterson, Officer Cheryl McCarthy, Officer Greg Blose, Officer Michael Virga and Private Citizens Tammy & William Callahan.

Meritorious Service Award: Officer Donald Bucci

Gallantry Star: Sgt. Patrick Muller and Officer Ted DeSantis

A 5-MINUTE RECESS WAS DECLARED.

2010 Budget Report

Mr. Sasdelli made a power point presentation of projections and options for the 2010 budget. His presentation was video taped and printed copies were distributed to the audience. A copy will be on file in the Township Clerk's Office and posted on the Township website. The report showed 2009 expenses were down \$700,000.00 as a result of "course correction" actions that began in 2007 and were accelerated in 2008 and 2009; the number of employees was reduced by 10; the economic downturn combined with the new state-mandated tax levy cap forced the Township to address a "structural deficit"; charts showing real and desired revenue and expenses from 2006 through 2014; actions taken to reduce the structural deficit - refocusing on government's core mission, reorganizing the Organizational Plan (\$75,000 savings) elimination of employee stipends, lowered vacation & sick time, requiring non-union employee contributions to cost of health insurance and negotiating labor agreements requiring the union-employee contributions, elimination of titles, curtailed business travel and business reimbursement limits, doubling employee's insurance co-pay, eliminating the gypsy moth spray program (saving \$102,000), layoff of 9 employees and reduction of 4 employees work-week (saving \$400,000), decreased court, police department and public works overtime, increased bond rating and refinancing debt (saving \$218,000 over 4 years), dissolution of Garbage District (\$1.2 million), did a Fire Study that resulted in fire truck maintenance shared services and purchase of a "used" ladder truck instead of a new one (saving \$330,000), changed landfill disposal location (saving \$80,000), re-did professionals' contracts (saving over \$100,000/year), corrected Municipal Services Fee per audit (increased revenue \$16,000), converted 2 police department positions to civilian (saving \$50,000), applied for and received

August 3, 2009

a \$549,000 grant for landfill closure, applied for and received CHRP grant (\$1,079,000 over 3 years), privatized janitorial services trash collection, recycling and road paving. Mr. Sasdelli explained that as of July 6, 2009, the projected budget shortfall was estimated to be \$2.5 million if operations remained status quo. He said that the options being presented tonight to address the shortfall are "options, not recommendations". The revenue options totaling \$1,823,000 presented included: allowable Tax Levy Cap \$850,000; transfer ownership of Mizpah (Alfred R. Lundy) Center similar to what was done with the American Legion Building (saving \$30,000); 2010 estimated increase in fees \$40,000; CHRP Grant \$353,000; privatizing fleet maintenance (saving \$100,000 but requiring reduction of personnel by 5; eliminating Senior/Social Services (saving \$250,000 but requiring reduction of 3 full-time and 1 part-time personnel); cease recreation field maintenance (saving \$100,000 but requiring reduction of personnel by 2). Additional options were changes in or deletion of trash collection (up to \$1.7 million); dissolution of the MUA (amount unknown at this time); use of one-time revenues available totaling \$950,000 are \$250,000 MUA contribution; \$300,000 from Sunshine Park land sale held July 29th; \$400,000 school deferral (up to \$4 million is available for this). Mr. Sasdelli explained the approximate \$1.8 million available from structural deficit options included layoff of 11.5 employees and elimination of valuable community services added to the \$950,000 available from the one-time revenues available options total \$2,750,000 or \$250,000 more than needed to cover the projected shortfall. The revenue sources shown in the Administrator's example for addressing the projected \$2,500,000 totaled \$2,423,000.00 leaving an estimated \$77,000 gap. Mr. Sasdelli reported he has met with all three labor unions and sent a letter to non-union employees explaining the situation and asking for voluntary concessions to help avoid more layoffs including, but not limited to, wage concessions, unpaid furloughs, larger health insurance contributions, work schedule reductions. It did not include one-time revenues of \$1.8 million in trash collection changes, \$250,000 in Senior/Social Service Division costs, \$100,000.00 in recreation field maintenance costs, additional Police Department reductions (already projected to be reduced from 69 to 67) at \$75,000 per officer or dissolution of the MUA as recommended by the Township Auditor. Mr. Sasdelli asked the governing body to read and digest the information. He explained that if there were any of the options to be in place on January 1, 2010 they had to start identifying them. Mr. Sasdelli explained, as an example, the bid process that would have to be done by the end of the year if the Members chose to privatize the fleet maintenance.

Ms. Gatto explained what was done tonight was to bring forth options that the Finance Committee has been discussing. She said there could be some discussion if the other Township Committee Members wanted to give them directions on some of the items tonight. Ms. Gatto said she thought that some firm decisions have to be made by the next meeting and early September on what options the governing body wants.

Mr. Palmentieri agreed with what Ms. Gatto said and that he thought the Committee has to move ahead quickly in order to have some of the savings implemented and in place in time for next year's budget. Mr. Palmentieri said he gave everybody credit for moving forward on next year's budget now. He said other towns failed to do it at their own peril. Mr. Palmentieri said the sooner the governing body considered what they are or aren't going to do the better because he doesn't want to wait until the next year's budget process starts.

Mr. Silva said he was pleased in a lot of ways that all the options were put on the table because it gives the Members time to digest the impact on the public. Mr. Silva said the Township Committee went through a very complex and painful process this year. He commended the Finance Committee and expressed his appreciation for the Township Committee wanting to address it early.

Mr. Pritchard said he echoed the other Members comments. He also commended the Finance Committee and said this is very proactive. Mr. Pritchard said he was very impressed by the work done by Mr. Sasdelli and the Finance Committee.

Mayor Gaskill said he agreed with what the other Members said. He said Ms. Gatto, Mr. Palmentieri and Mr. Tuthill worked hard to get it started. The Mayor said there might be things that could be moved around.

Ms. Gatto suggested there be a budget workshop at the next meeting. Mr. Sasdelli asked if she wanted it at the next meeting or the first one in September. Ms. Gatto said she wants it at the next meeting.

A 5 MINUTE RECESS WAS TAKEN TO ALLOW MOVING THE VIDEO CAMERA BACK TO THE REAR OF THE ROOM.

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

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

7.A Insert names of businesses:

- (1) Beachcomber Coins - retail coins/sports collectibles sales and purchase Of gold, silver/coins & currency at Hamilton Mall
- (2) BC Sports - sports apparel, memorabilia and accessories sales at Hamilton Mall
- (3) Jack Lyon/Lyons & Son - used equipment auction at Atlantic City Race Track

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 not listed for public hearings

Aline Dix asked if the Committee got the report on vehicle costs that was requested at the last meeting. Ms. Gatto said they did. Ms. Dix said she filed an OPRA request for extra duty information. She said the Township collected \$115,500 for extra duty jobs in 2008 and \$52,137.00 has been paid out in 2009 for 37 jobs. Ms. Dix read a list of utility contractors where she thought cars were needed and asked if the officers were there for traffic control or to have flashing lights. She said she thought the Township needs to re-evaluate whether the police have to do it or a private company with flaggers can do it Ms. Dix said her understanding of Title 40 is that there is supposed to be a signed agreement between the Police Department and the contracting unit to come up with the total charge that has to be paid up front and if it isn't the work has to stop. Mr. Sasdelli said there was a public hearing on the extra duty ordinance at the last meeting and the public hearing is closed. He explained what information he was asked to look into and read the numbers from the cost analysis the Committee had in front of them tonight. He said it came to about \$4.00 per hour for an idling car and the ordinance also had a per day fee. He said his recommendation is to make the fee \$4.00 per hour with a minimum 4-hour charge which will cover the costs. He said Ms. Dix's statutory references were correct and that the Township does all of that. Mr. Sasdelli said it was audited by the previous and present auditors and the Township has never been written up for how it does third-party pay.

Steve Blankenship said he thought the police department and officers deserved every award they got tonight.

Mr. Blankenship congratulated the governing body on getting underway on the 2010 budget and on the reductions they have been able to put into play. He said the MUA is moving into its 2009-2010 budget and they allocated a 5% possible contribution to the Township. Mr. Blankenship said the MUA will be sending a check for the \$258,000 committed this year to the Township in September. He said that from an MUA perspective the word dissolution brings them some frightening moments. Mr. Blankenship said he believes the MUA Board and employees are ready to meet with the Township to try to come up with any kind of solution that everyone can come out with a win-win situation in these difficult financial times. He said no one has come to talk to the MUA to see what they do and are trying to do. Mr. Blankenship said that he thought before the Committee makes any kind of decision sitting down would be important so the MUA can explain how they operate, what they do try to do and to explore other ways they can save money for each other.

Private fund raising efforts for special events

Mr. Pritchard said a couple of residents are interested in raising funds to bring fireworks back to the Township. He said a lot of towns are now forming Special Events Committees for fund raising and that Buena Vista Township does a wide variety of programs throughout the year to raise funding for different events. He said Buena Vista and Weymouth Township fireworks cost way less than this Township paid in previous years. Mr. Pritchard said it was in the neighborhood of \$5,000.00 so the amount that needs to be raised may be less than what had to be done in the past. He said Teresa Thomas and Jaime Herman were interested in getting involved in the program and he asked them to give a few words on what they might need from the Township. Teresa Thomas said they are only asking the Township to continue the contract with the fireworks company, to continue being the applicant to the County to be able to have the fireworks on County property and to continue to use the JIF insurance for the one-day event. Ms. Thomas said they will give the Township the money for the fireworks, Police, public works and whatever else the Township asks them to do. She said they will cover the \$125.00 fee for adding the one-day event.

August 3, 2009

Mr. Silva asked how big a budget the group was looking for. Ms. Thomas said \$15,000-\$20,000.00 based on \$15,000 for fireworks, police and public works last year. She said getting started now was a good thing because they don't really have to get quotes and execute a contract for fireworks until January or February. Ms. Thomas said that would give them a couple of months to raise money and know what they have by January so they can say whether they will have fireworks or there will be fireworks but with a limited budget. Mr. Silva said that the present location increases the cost for municipal services and asked if they had considered other locations. He said Sue Giberson talked to the Race Track about having them there. Mr. Silva said it has larger parking facilities, could cut down on the municipal services needed, and if they did that they could put more money back into fireworks. He said he thinks they should consider other options for where they could hold the fireworks and that they might find other options that may not create the traffic congestion and such a burden on the Police Department but it is up to them if they only have a desire for one particular location.

Mayor Gaskill said he thinks fireworks were was greatly missed this year and that private citizens stepping up to do this is a great idea. Ms. Herman said they already opened a bank account and collected over \$100.00 at the Hometown Celebration. Ms. Thomas said the 300th anniversary of Mays Landing celebration is also next year. She said they will continue fund raising and see what happens.

Mr. Sasdelli said if the governing body chooses to dissolve the Social Services Department there won't be anyone to handle the application to the County.

Ms. Gatto said she appreciated Ms. Thomas and Ms. Herman stepping up on this and the Merchants' Association for other things. She asked if there was any way for the Township to make a policy so that one organization doesn't get more help than another. Mr. Pritchard said someone he contacted in another town is willing come make a presentation on how they do it. Mr. Sasdelli asked if she is an employee of that town. Mr. Pritchard said he thinks she is a volunteer.

Mr. Silva said he wants to see all of the numbers before the Committee commits to anything. He said there is more to this than meets the eye right now. Ms. Thomas said they will do as much as they can to alleviate the burden and will tell the Committee how much to go out to bid for on fireworks but they need the Township to partner with them before they start fund raising. Mr. Silva repeated that he wants to see the numbers first.

Mayor Gaskill said he thinks the ladies had presented the minimum cost and the Committee should move ahead and give them some kind of recognition that the Township will give them minimal administrative support. The Mayor said the application to the County doesn't cost that much.

Mr. Silva asked again if Ms. Thomas and Ms. Herman would consider another location. Ms. Thomas said that considering 2010 is the 300th anniversary there will be other events that may be held somewhere else.

Mr. Pritchard said he thought the Committee should endorse the fund raising. He said he thought that was all Ms. Thomas and Ms. Herman were asking for. Mr. Sasdelli said they asked for the Township to contract for fireworks, provide the insurance and do the application to the county. Mr. Silva said the Township Committee would be committing things that they haven't budgeted for and he thought it would open doors for others who want to raise money for other things.

Ms. Gatto said the Tri-centennial is coming up and the Committee hasn't talked about anything yet. Mayor Gaskill said it is in 2010. Mr. Palmentieri said the Township seal says 1813 and asked what it was celebrating 300 years. Aline Dix said it is the 300th anniversary of Mays Landing and that 1813 is when the Township was incorporated. The Mayor said he thought some people in the audience remembered the 250th anniversary that was a whole week of tremendous celebration. Ms. Gatto said she is open to helping citizens groups as much as the Township can but she wants to know the number of hours needed for the fireworks contract, the application to the County, the cost for insurance and if the Township has the man hours before she can make a solid commitment. She said they learned from the Merchants' Association that it took more time because it was the first time the Association did Hometown Celebration themselves. Mayor Gaskill said he thought it was being penny-wise and pound foolish. He said he thought they only want the Township to fill out the County and JIF applications and he doesn't think it will take hours. Ms. Thomas said it could be tabled until the next meeting and it shouldn't be hard for the employees to tell how many hours it took them for the fireworks. She said what the group will pay for can be discussed.

The matter will be re-listed for discussion on the August 17, 2009 agenda.

US DOJ Cops Preservation Grant

Mr. Sasdelli said Hamilton Township is 1 of only 18 towns in the State that got this grant and that it is for 3 years. He commented on not wanting a grant with a lot of strings attached to it. He said the purpose of the grant is to reduce the amount of police officers that would have to be laid off if the economy continues downward and it will preserve 4 positions. Mr. Silva said he favored accepting it. Ms. Gatto said a lot of hard work went into it and she definitely favored accepting it. Mr. Palmentieri said it was unusual in that it is a large grant with no strings attached.

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

WHEREAS, the Township of Hamilton, Atlantic County, New Jersey application to the US Department of Justice for CHRP funding was approved in the amount of \$1,059,000 for preservation of four (4) police officer positions in the Municipal Budget Years 2010 through 2012; and

WHEREAS, the Township Committee of the Township unanimously voted to accept aforesaid CHRP grant from the US Department of Justice,

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

1. The US Department of Justice CHRP grant in the amount of \$1,059,000.00 be and is hereby accepted, said grant to provide \$353,000.00 per year to preserve four (4) police officer positions during in the Township of Hamilton Police Department during the municipal budget years 2010 through 2012.
2. Jay McKeen, Chief of the Hamilton Township Police Department, and Edward M. Sasdelli, Township Administrator, are hereby authorized to execute the grant acceptance agreement and all related documents related thereto on behalf of the Township of Hamilton, Atlantic County, New Jersey.

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

Amendment to Section 4.B of Ordinance #1654-2009

Mr. Sasdelli said he was directed to bring a recommendation for the cost of cars and time limit back to the Committee. He said the original charge was \$20.00 per day and he thinks there should be a minimum dollar amount and minimum of hours. Mr. Sasdelli said once the Committee decides the Solicitor will determine if it is a substantial amendment.

Mr. Silva asked if changing it to \$4.00 per hour with a 4-hour minimum would be a substantial amendment. Mr. Lafferty said it would and the amendment would have to be advertised and a public hearing would be held on the amendment only.

Ms. Gatto referred to Ms. Dix comments and said she thinks the question of whether or not a police car is needed should be looked into but she wants to cover the township's costs now.

Ms. Dix asked if it would be charged if it was a school or bank that didn't require a car. Mr. Sasdelli said the Township doesn't charge if the officer drives there, parks the car and goes inside. Ms. Gatto read what the ordinance said. Mr. Palmentieri asked if the language Ms. Gatto read was adequate to distinguish between a car getting to the site and a car with flashing lights. Mr. Lafferty said the Chief of Police makes the determination of what is necessary for health, public safety and welfare. He said that he would leave it to the Chief's discretion.

There being no further questions, comments or discussion, Mr. Silva moved, seconded by Mr. Pritchard, that the following resolution be adopted.

WHEREAS Ordinance #1654-2009 was introduced and passed first reading July 6, 2009 and a public hearing thereon was held and closed on July 20, 2009; and

WHEREAS final adoption of Ordinance #1654-2009 was postponed and the Township Administrator and Chief of Police reviewed the fee and time frame for use of a patrol vehicle as part of the extra-duty work and recommended Section 4.B be amended to establish an hourly rate of \$4.00 with a minimum 4-hour charge,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following amendment to Section 4.B of Ordinance #1654-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 5, 2009 issue of the Atlantic County Record for a public hearing to be held thereon on August 17, 2009; and

August 3, 2009

BE IT FURTHER RESOLVED that following the public hearing on the amendment Ordinance #1654-2009 shall be considered for final adoption as amended.

SECTION 4.B is hereby amended to read as follows:

70-16. Rates of Compensation; administrative fee; payment for services.

B. If the Chief of Police or his/her designee determines that a patrol vehicle is required to effectively perform the extra-duty work, an additional fee for that patrol vehicle use will be assessed in the amount of four dollars (\$4.00) per hour with a minimum 4-hour charge.

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

Public hearing/adoption - Ordinance #1655-2009

Mr. Palmentieri asked Mr. Sartorio to give a brief overview of what changes were made from the existing ordinance.

Mr. Sasdelli said the Planning Board sent this ordinance to the Township Committee with 9 in favor and none opposed.

Mr. Sartorio said the Mayor and Mr. Pritchard asked him earlier this year to look at the Developmental Ordinance to see what revisions could be made to make it more business friendly and work within the existing framework to help lower the costs for developers to maintain or go forward with projects in the future. He said that he went through the Master Plan Re-examination adopted in 2006 to see what was suggested; reviewed the ordinance and the history he personally is aware of and some of the waivers and variances granted that really had no effect or should be adjusted; and discussed it with developers to get their suggestions on what could be done to make the changes. Mr. Sartorio explained General Commercial designation on Main Street, east of Route 50 to Sugar Hill, was changed to Village Commercial as recommended in the Master Plan. Mr. Sasdelli asked how that made it more business friendly. He said the uses in the area were pretty similar and this makes sure what was recommended in the master plan is consistent with the ordinance. Mr. Sartorio explained they amended it for areas outside the Village Commercial to allow changes in an approved site plan by up to 10% to be handled administratively through review by the Board professionals for their recommendation. He said it is for buildings and parking and the adjustment can be up or down. Mr. Sartorio used someone in Consumer Square needing to change their loading space out back as an example and said it is small enough that it could be handled administratively rather than bringing it back to the full Board as long as it is within the guidelines. Mr. Sartorio said there is a significant change in bonding requirements for non-residential development from a performance guarantee for the private/non-public improvements to a restoration guarantee. He explained the current performance guarantee language says if the developer goes belly-up the Township will go in and build the shopping center or industrial center. Mr. Sartorio said the Township isn't in that business. He said a road is different and would have to be covered by a performance bond. Mr. Sartorio explained a restoration guarantee would be for the cost to stabilize the site, remove any hazards and make it a safer location so a successor developer could come in. He said the difference in the cost of a restoration guarantee and a performance bond is a huge saving for the developers. Mr. Sartorio said it clarified that the 200' buffer between residential and non-residential development was split evenly between two sides, usually 100' on each side things like rights-of-way or roads would count as part of the buffer.

Mr. Palmentieri asked if Mr. Sartorio was saying an applicant can go up to 100' from the property line on one side and have the other 100' made up on the other side. Mr. Sartorio said that is correct. He said the current ordinance just said the separation between a residential and non-residential use had to be 200' and didn't make it clear that it was supposed to be applied equally. Mr. Palmentieri asked if that was the intent because the Board has acted for years where it was incumbent upon the commercial site to stay 200' from the boundary of the residential properties not to require the residential property to also have 100'. Mr. Sartorio said to look at it in reverse, the commercial property was there first and the residential is not being required to provide that 100' buffer. He said it is a balance that are typically looked at and unless is specified in the actual text of the district. Mr. Sartorio used as an example the language for the Industrial Park that says any development in the Business Park will be at least 100' from a state highway. Mr. Palmentieri questioned what benefit the changes included in this was to the Administrative Review Ordinance that was passed maybe 5 years ago. Mr. Sartorio said that as it was originally written it was limited to 2 changes per site with the size being 1000 square feet or 15% of the improved building area, whichever is less. He said that applied to the design commercial area, the mall, the larger commercial centers and the Village Commercial district in Mays Landing. Mr. Sartorio explained that for outside the Village Commercial the proposed change it is 10% of the approved site plan or 10% of the total parking

area. Mr. Palmentieri asked if it would be applicable to the larger sites and allow a couple of the big commercial sites to go through an administrative review process for a 50,000 square foot change. Mr. Sartorio said it would be handled that way if the Board professionals determine under those guidelines that the impact of 1 change isn't significant but they have the discretion to sent it to the full Board. Mr. Sartorio said it was meant for little things like changing where an entrance of loading dock is.

John Pucci said the understanding of the on the Planning Board when he was on it was that if commercial development came in they had to have 200' buffer between themselves and the residential. He said the proposed ordinance lowers the buffer to 100' for commercial and if residential development already existed that application is only for the commercial use. Mr. Pucci said the Township tree ordinance only affects commercial use or PRUDs. He said there is no residential property that is controlled by the tree ordinance so the commercial could come in, have the 100' buffer and then the residential owner could cut down the trees and there would no longer be the 200' buffer. Mr. Pucci said he didn't think that is what the Committee wants. He said he thought the wording should be that the 200' buffer maintains with the commercial aspect of the application and isn't split between the commercial and residential. Mr. Pucci said it may render some residential lots unbuildable because they may not be big enough to have the 100' buffer with where the house and septic system are located. He said the Township has to be careful how they change the ordinance. He said the commercial intensity is what they need the buffer for and it should not be placed on the residential homeowner. Mr. Pucci asked if any of the 5 or 6 additional changes he suggested be made at the Planning Board public hearing on this were incorporated into this ordinance and when they would be addressed if they weren't in this ordinance. Mr. Lafferty said it would have to come from the Planning Board and Mr. Pritchard said what the Committee has and is acting on now is the recommendation from the Planning Board. Mr. Silva asked if Mr. Pucci's comments at that meeting precipitated discussion of what he wanted to see happen. Mr. Pucci said no specific comments were made from the Board. He said he has been making some of the suggestions he made for a couple of years. Mayor Gaskill said that the Board voted 9-0 on this recommendation and as of now it hasn't discussed the things Mr. Pucci brought up at that meeting. Mr. Pritchard said that doesn't mean it can't be discussed later. He said the master plan and developmental ordinance are a work in progress and continually being amended. Mr. Pritchard said passage of this ordinance tonight wouldn't negate moving forward with some of Mr. Pucci's suggestions if deemed appropriate by the Planning Board. Mr. Pucci said he understood that but earlier this year there was a prior Land Use Ordinance amendment approved by the Board and the Township Committee concerning appeals to Township Committee. He said he doesn't understand why the Board doesn't consider suggestions made by a Township Resident at a public hearing.

Mr. Sasdelli said this is a public hearing on this Ordinance, it is not on the Planning Board and how they conduct a meeting. He asked Mr. Pucci is he had any comments on anything in this ordinance that he objected to or wanted to make comment on before the Committee adopts it if that is the action they decide to take. Mr. Pucci suggested there are other corrections that could be made to the Land Use Ordinance in addition to this one and maybe a procedure should be set in place so that it happens in a timely manner.

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

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

Discussion on a motion to adopt Ordinance #1655-2009

Mr. Palmentieri said he is still bothered by it. He said he thought it created more of a problem than it solves. Mr. Palmentieri said 100' buffer to a residential lot is a lot of footage because there are a lot of residential lots that aren't 100' wide total let alone have enough to put a house on and still meet the ordinance. He asked if it there is an existing house on a relatively small lot and commercial development goes in next door does this mean that the commercial is only required to do half of what used to be the full 200' buffer and the residential house has half the buffer it used to have for years. Mr. Palmentieri said if someone has a vacant lot they want to build a house on and the commercial next to it is built at 100' and the residential lot is required to make up the other 100' it may make the residential lot unusable or unbuildable because a lot of residential lots wide enough to have the 100' before the house and the side setback. He said it seems the Township is potentially making some lots unbuildable that maybe they shouldn't be or they are cutting the buffer between industrial/commercial and residential uses to half of what had been applied for a number of years. Mr. Palmentieri said he doesn't think it is desirable to have industrial or commercial development half the distance the Township has managed to maintain for a number of years. He said he thinks the rest of the ordinance is good but he has a problem with Section 14. Mr. Pritchard said he understood Mr. Palmentieri's concerns. He asked Mr. Sartorio if he saw any existing situations or situations

August 3, 2009

with current land owners where it could be a problem of rendering their lots unbuildable. Mr. Palmentieri added getting half the buffer to new commercial development next to them to Mr. Pritchard's question. Mr. Sartorio said the buffer standards are applied in the growth area with new developments. He said it doesn't apply to downtown Mays Landing. Mr. Sartorio used Ryan Homes formerly the Glen Eyre Palette III as an example and said it has a 50' buffer along the properties that abut Volunteer Way and the 50' Volunteer Way right of way which makes up the 100'. Mr. Sartorio said it could also include an electric company easement that couldn't be developed on. He said it doesn't necessarily include an individual property. He said that with the major developments coming in there are very few that he is aware of where the Township would run into that situation. Mr. Palmentieri said he was less concerned about developments where 100 homes were coming in as a group than he about how it will affect existing houses or individual building lots. Mr. Sartorio said that dealt with residential buffer requirement standards. He said the commercial buffer standards deal specifically with the large developments, planned commercial developments, regional design shopping centers which are limited to design and regional commercial districts. Mr. Palmentieri said the ordinance says these requirements do not apply to Planned Unit Residential Developments so that leaves the individuals not the developments. Mr. Sartorio said the standards are not applied to an existing individual lot. Mr. Lafferty said it applies to a major subdivision and there are major subdivisions that are not Planned Residential Unit Developments. Mr. Palmentieri asked what happens if Mr. Pritchard owns a house that has been there for a long time and is 50 or 20' from the property line and a commercial property comes in next to him. He asked if the balance of the 200' is lost because the commercial only has to be 100'. Mr. Sartorio said it would be in that case. Mr. Palmentieri said the buffer is being reduced in cases where there is existing development on either side of the transition between one use and another. Mr. Sartorio said it is. Mr. Palmentieri said he didn't think the buffer should be reduced when it comes to being next to houses.

There being no further discussion or comments by the Committee, the Mayor called for a vote on the motion made by Mr. Pritchard and seconded by Ms. Gatto that the following resolution be adopted.

WHEREAS Ordinance #1655-2009 was introduced and passed first reading July 20, 2009 and was duly advertised in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held on August 3, 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 #1655-2009 be and is hereby adopted.

RESOLUTION ADOPTED WITH MEMBERS GATTO, PRITCHARD, SILVA AND GASKILL VOTING "AYE", MR. PALMENTIERI VOTING "NAY", NO "ABSTAIN". Mr. Palmentieri said he voted not because of Section 14 and because he doesn't want to reduce the buffer residential development use to enjoy between industrial and commercial development.

**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.

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.

14) 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.

ATTEST:

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

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

NELSON GASKILL, MAYOR

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

ORDINANCE NO. 1655-2009 INTRODUCED AND PASSED FIRST READING ON JULY 20, 2009.
ORDINANCE NO. 1655-2009 ADOPTED AUGUST 3, 2009.

August 3, 2009

Public hearing/adoption - Ordinance #1656-2009

Mr. Sasdelli said the major change is the addition of a fee for zoning permits of \$25-\$50 based on the size of the unit.

John Pucci asked if there were any other changes. Mr. Sartorio said there weren't. He said it is a reorganization so that common items are lumped together rather than listed as individual line items. Mr. Pucci said there was a line item concerning appeals to Township Committee and the Township Committee dissolved that right when they changed the Land Use Law this year. He said he thought that should be taken out of the Ordinance. The Mayor and Mr. Sartorio both said it was taken out. Mr. Pucci said it is still on the internet and he didn't hear it stated that it was taken out of the fee ordinance.

There being no further questions or comments on the ordinance, Mr. Silva 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 #1656-2009 was introduced and passed first reading July 20, 2009 and was duly advertised in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held on August 3, 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 #1656-2009 be and is hereby adopted.

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

**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 Sate 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%
	Zoning Permits Residential - new single family dwellings and/or additions to an existing dwelling Residential - new two family and townhouse dwellings Residential - multi family structures Nonresidential - new buildings and/or additions to existing buildings Accessory structures (e.g. detached garages, detached decks, pools, sheds, fences, etc.) Signs	\$ 35.00 \$ 35.00/unit \$ 50.00 \$ 50.00 \$ 25.00 \$ 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 with variance	\$ 1500.00 \$ 2000.00
	Preliminary Major Subdivision (preliminary and final) 25 lots or less 26 to 100 lots 101 to 500 lots over 500 lots	\$ 7,000.00 \$ 10,000.00 \$ 12000.00 \$ 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 of the Township of Hamilton heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 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 "AYE"

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

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

NELSON GASKILL, MAYOR

ORDINANCE #1656-2009 INTRODUCED AND PASSED FIRST READING JULY 20, 2009.
ORDINANCE #1656-2009 ADOPTED AUGUST 3, 2009.

Public hearing/adoption - Ordinance #1657-2009

Mr. Sasdelli explained this is to refund \$5.2 million in debt at a new lower interest rate that is now available because of the fiscal policies of this township Committee.

August 3, 2009

Aline Dix asked what the interest rate is. Mr. Sasdelli didn't have that information with him. He said the rate on the last bonds sold was 2.9%.

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

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

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

WHEREAS Ordinance #1657-2009 was introduced and passed first reading July 20, 2009 and was duly advertised in the July 22, 2009 issue of the Atlantic County Record for a public hearing to be held on August 3, 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 #1657-2009 be and is hereby adopted.

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

**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") may be redeemed at the option of the Township in whole or in part on any date on or after October 1, 2008 (the "Redemption Date") at the respective prices expressed as percentages of the principal amount set forth below, plus unpaid accrued interest, if any, to the Redemption Date:

<u>REDEMPTION PERIOD</u> (Both dates inclusive)	<u>REDEMPTION PRICE</u>
October 1, 2008 to September 30, 2009	101.0%
October 1, 2009 to September 30, 2010	100.5%
October 1, 2010 and thereafter	100.0%

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$5,250,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the refunding bonds and notes provided in this refunding bond ordinance by \$5,250,000 and that an amount representing the obligations to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Township.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

ATTEST:

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

Joan I. Anderson, R.M.C. Township Clerk

Nelson Gaskill, Mayor

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

ORDINANCE #1657-2009 INTRODUCED AND PASSED FIRST READING JULY 20, 2009.
ORDINANCE #1657-2009 ADOPTED AUGUST 3, 2009.

August 3, 2009

Public land sale - Sunshine Park

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 the bid of Three Hundred Thousand (\$300,000.00) Dollars offered by Michelle Morris Phy and George Phy at the public land sale held July 29, 2009 be accepted for purchase of the following parcels in the area commonly known as Sunshine Park Block 1103, Lots 4-87 (5.16 acres +/-), Block 1105, Lots 1-57 (3.22 acres +/-), Block 1106, Lots 1-84 (4.97 acres +/-), Block 1107, Lots 1-53 and Lot 58.01 (3.05 acres +/-), Block 1108, Lots 1-8 and Lots 10-72 (4.05 acres +/-), Block 1109, Lots 1-65 (3.55 acres +/-), Block 1110, Lots 2-50 (3.08 acres +/-), and Block 1111, Lots 1-62 (3.58 acres +/-).

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

Public Land Sale - Block 55/Lot 1

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 bid of Two Thousand (\$2,000.00) Dollars offered by Adam Cross at a public land sale held at 6:00 P.M. tonight be accepted for purchase of Lot 1 in Block 55.

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

Authorization to re-offer Mizpah Village lots for public bid (no bids received at the June 29, 2009 public land sale June 29, 2009 with minimum bid of \$20,000. each

Mr. Silva asked if the Township Committee could set the minimum bid. Mr. Sasdelli said they could and that he would prefer that they did. He said the \$20,000.00 minimum was a number he and the Assessor came to but it was too high. Mr. Sasdelli said he thought the best approach is to go way low and let the bidders bid it up. He suggested setting a new minimum of \$5,000.00 per parcel. Mr. Palmentieri asked what the lot sizes were. Mrs. Anderson said most of them were a little more than 1 acre and a few were over 2 acres. Mr. Silva said the cost to develop the lots had to be considered. Mr. Palmentieri asked if the lots were being sold individually or as a package. Mr. Sasdelli said they are being sold individually.

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

WHEREAS 16 parcels of Township-owned property were offered for public sale on July 29, 2009 with a minimum bid of \$20,000.00 per parcel and no bids were received,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mizpah Village parcels listed below be re-offered for public sale with a reduced minimum bid of Five Thousand (\$5,000.00) Dollars per parcel, the date and time of such sale to be determined by the Township Administrator and Township Clerk.

- Block 321, Lots 45, 47-59, 61-82 (2.18 acres)
- Block 327, Lots 36-41.02, 42 (1.09 acres)
- Block 329, Lots 23-34 (1.09 acres)
- Block 334, Lots 1, 4-5, 7-8, 19-25, 27-28 (1.49 acres)
- Block 338, Lots 30, 32-35, 37-46 (1.03 acres)
- Block 344, Lots 9-21, 24-25, 27-28, 31-35 (1.60 acres)
- Block 350, Lots 26-28, 30-33, 38-43 (1.033 acres)
- Block 352, Lots 10, 12-17, 19, 21 (1.606 acres)
- Block 353, Lots 10-29, 32-33 (2.123 acres)
- Block 353, Lots 1-8, 42-44 (1.13 acres)
- Block 362, Lots 21-28, 30-35, 38-41 (1.49 acres)
- Block 364, Lots 1-9, 48-62 (1.38 acres)
- Block 369, Lots 13-16, 18-20 (1.03 acres)
- Block 372, Lots 9-18 (1.49 acres)
- Block 374, Lots 1-17, 22, 24, 25 (2.18 acres)
- Block 377, Lots 14, 17-21, 28-31 (1.377 acres)

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Westchester Fire Insurance Company maintenance bond #KO 8002496 in the amount of \$9,487.89 be and is hereby accepted as a the 2-year maintenance guarantee for Clayton Development Associates Clayton Self-storage project Phase IV (Block 991, Lot 3.01)

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

Ms. Gatto 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 request from Development Diversified Realty (formerly Benderson Wainberg) for release of their performance guarantee for Hamilton Commons Phase III Building 2 (Red Robin Restaurant/formerly Johnny Carino's) is hereby denied as recommended by Robert J. Smith III, Township Engineer for the project dated July 10, 2009 due to outstanding punch list items not being completed.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objections to the NJDOT approval and/or issuance of a permit to the Atlantic County Sheriff's Department Explorer Post #29 for a coin drop to be held at the Wrangleboro Road/Route 322 jughandle on September 19, 2009.

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

Ms. Gatto 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 Travelers Insurance Company certificate of continuation extending the expiration date of Maintenance Bond #105003653 to September 13, 2010 is hereby accepted, said bond being the stormwater management system maintenance guarantee for Wawa Store #458.

BE IT FURTHER RESOLVED that the Travelers Insurance Company certificate of continuation extending the expiration date of Maintenance Bond #105003654 is hereby accepted, said bond being the stormwater management system maintenance guarantee for Wawa Store #925.

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

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

RESOLUTION RATIFYING SALE OF LAND TO CONTIGUOUS OWNER
PURSUANT TO ORDINANCE #1652-2009

WHEREAS Ordinance #1648-2009, authorized the right of prior refusal to purchase Lot 7 in Block 443 to owner or owners of the land contiguous thereto; and

WHEREAS Ordinance #1652-2009 was finally adopted on June 1, 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 7 in Block 443; and

WHEREAS, the bid of Ethel Chen whose address is 142-14 Quince Avenue, Flushing, NY 11355 was the only bid received; and

WHEREAS, Ethel Chen bid the sum of One Thousand Five Hundred (\$1,500.00) Dollars which was equal to or exceeded the minimum bid set by Ordinance #1652-2009 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; and

WHEREAS, Ethel Chen has requested the deed for said property be made in the name of Thomas M. Wu who is her son,

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 Ethel Chen is hereby confirmed and the sale Lot 7 in Block 443, to her is hereby ratified.
- 2) Pursuant to the request of Ethel Chen, the Solicitor is hereby authorized to prepare a quit claim deed conveying the Township's right, title and interest in Lot 7 in Block 443 to her son Thomas M. Wu, whose address is 2747 Paradise Road #3202, Las Vegas, NV 89109.
- 2) 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 Thomas M. Wu, son of Ethel Chen, pursuant to the terms and conditions set forth in Ordinance #1652-2009.

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY, TO AUTHORIZE THE TAX
COLLECTOR TO CANCEL TAXES ON EXEMPT PROPERTY

WHEREAS, it has been brought to the attention of the Township of Hamilton that there are taxes assessed for the 2009 tax year which should be canceled for the reasons set forth herein; and

WHEREAS, it is the desire of the Mayor and Township committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the records in the Tax Collector's Office be adjusted in accordance therewith, which is the purpose of this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the Tax Collector is hereby authorized to cancel taxes on the following block and lots for the reasons set forth below:

BLOCK/LOT	OWNER	AMOUNT
731.03/8	Slocum, Sean etal	\$3,541.42 Totally Disabled Veteran
785/2	Twp. Of Hamilton	1,485.90 Exempt
856/2.05	Miller, Larry & Donna	2,539.95 Totally Disabled Veteran
994.01/6	Twp. Of Hamilton	9,069.84 Exempt
996/7/C1008	Ryan, John	301.26 Totally Disabled Veteran

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
AUTHORIZING THE CANCELLATION OF 2009 TAXES

WHEREAS, there appears that the Tax Assessor has changed the 2009 Assessment on Block 996 Lot 17.01 owned by Brickwork Partners, LLC to zero; and

WHEREAS, taxes were accessed against this property that now must be cancelled due to this tax assessment; and

WHEREAS, taxes must be cancelled on the above Block and Lot number in the amount of \$1,116.41,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the Tax Collector be authorized to cancel 2009 taxes in the amount of \$1,161.41 on the above Block and Lot number due to the Tax Assessor changing the assessment to zero.

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO REFUND TAX PAYMENTS

WHEREAS, a payment was received on a property that is tax exempt due to disabled veteran status and payment was received on a property in excess of the amount due because of a reduction in assessment; and

WHEREAS, the payments that were made on these block and lots must be refunded as follows:

Block/Lot/Qual.	Assessed Owner	2009 Tax
996/18	Shore Health Enterprises	\$52,686.26
1132.04/231/C0231	N.J.H.M.F.A. (to Mort. Co.)	577.35

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the payments that appear above be refunded.

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

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

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

WHEREAS, Rare Hospitality International Inc., a corporation of the State of New Jersey with an address for mailing purposes only of c/o Vincent Paragano, Esq., 5 Seney Drive, Bernardsville, NJ 07924, is the holder of Plenary Retail Consumption License #0112-33-017-010; and

WHEREAS, aforesaid PRC License #0112-33-017-010 has been inactive since October 1, 2001; and

WHEREAS, Rare Hospitality International Inc. filed the required application for renewal and paid the renewal fees for the 2009-2010 license year which was accepted by the Township Committee of the Township of Hamilton on June 15, 2009 for filing only and with no action taken to approve or deny its renewal pending receipt of a special ruling from the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on July 27, 2009 under Agency Docket No. 07-09-5903 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-017-010 for the 2009-2010 and 2010-2011 license years subject to the condition that no further renewals of this license shall be granted unless the license is actively being used at an approved site on or before June 30, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling which are incorporated herein and made part hereof by reference and as if recited in full, Plenary Retail Consumption License #0112-33-017-010 is hereby approved and issued for the 2009-2010 license year to Rare Hospitality International Inc. with an address for mailing purposes only of c/o Vincent Paragano, Esq., 5 Seney Drive, Bernardsville, NJ 07924 with the condition that no further renewals of this license shall be granted unless the license is actively being used at an approved site on or before June 30, 2011.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Atlantic City Instrument Rental, LLC is hereby granted a Flea Market, Craft & Home Exposition License for an event with 1 to 25 vendors to be held at Balic Winery on September 27, 2009.

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

August 3, 2009

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

WHEREAS the following bids for HVAC Service and Maintenance to Town Hall with alternate bidding for an hourly labor rate and percentage of markup for additional services and other Township-owned buildings were received on July 28, 2009 in accordance with Bid #2009-03:

Peterson Service Co. Medford, NJ	Base Bid:	\$31,963.00
	Hourly rate:	89.90
	% mark-up materials:	30%

Carrier Corp. Fairfield, NJ	Base Bid:	\$40,000.00
	Hourly rate for HVAC	95.00
	Hourly rate other	120.00
	% mark-up materials	20%

Marlee Contractors, LLC Hammonton, NJ	Base Bid:	\$47,820.00
	Hourly rate	76.50
	% mark-up materials	20%

August 3, 2009

Bradley-Sciocchetti, Inc. Merchantville, NJ	Base Bid	\$55,651.00
	Hourly rate	103.50
	% mark-up materials	20%

and

WHEREAS it has been determined that Peterson Service Company, Medford NJ is the lowest responsive/responsible bidder and the Deputy Public Works Director has confirmed to the Deputy Chief Financial Officer that their bid meets or exceeds the specifications,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of that the contract for HVAC Service and Maintenance to Town Hall is hereby awarded to Peterson Service Company, Inc., Medford, NJ for an annual amount of \$31,963.00 to be paid in 12 monthly installments with additional work at an hourly rate of \$89.90 for other Township-owned buildings and extra material charges at 30% mark-up from the wholesale cost.

BE IT FURTHER RESOLVED that the funding for said contract is certified from the 2009 Public Works Operating Budget.

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

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

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

- (1) Beachcomber Coins - retail coins/sports collectibles sales and purchase of gold, silver/coins & currency at Hamilton Mall.
- (2) BC Sports - sports apparel, memorabilia and accessories sales at Hamilton Mall.
- (3) Jack Lyon/Lyons & Son - usedequipment auction at Atlantic City Race Track

RESOLUTION ADOPTED WITH MEMBERS PALMENTIERI, PRITCHARD, SILVA AND GASKILL VOTING "AYE", NO "NAY", MS. GATTO ABSTAINED DUE HER FATHER BEING ANEMPLOYEE OF THE ATLANTIC CITY RACE TRACK

MAYOR'S APPOINTMENT

Mayor Gaskill appointed David Elkner to the Community Education/Recreation Advisory Board to fill an existing vacancy expiring December 31, 2011.

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 minutes of the July 20, 2009 regular meeting and July 20, 2009 executive session are hereby approved and adopted as published.

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

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 all properly executed and approved payrolls and bills are hereby ordered paid, the fill list total being \$2,471,641.87 as of July 30, 2009.

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

Reports

Mr. Sasdelli said there are 520 local law enforcement agencies in New Jersey and this Township is one of 38 approved for accreditation.

Solicitor: none
Engineer: none

Mr. Silva thanked Mr. Blankenship for his comments tonight and the MUA willingness to make the contribution next year of an amount to be determined by the size of their budget. He said he appreciated Mr. Blankenship explaining that it is a partnership.

Mayor Gaskill thanked everyone who called or sent cards during his recent illness.

Public Comment

Lorraine Granese said one of the fire study recommendations was consolidation of the fire departments and she has never heard it mentioned. Mr. Silva said the entire study is proceeding with the amount of movement the Township can make within a 10-year time frame. He said he knew Ms. Granese had made that recommendation a few years ago and he thinks it will be discussed over the next year or so. Ms. Granese said she thinks it can be done and could save a lot of money. She said the Township spends a tremendous amount of money on vehicles, rent and materials. Ms. Granese said she thinks consolidating five departments into three and using two as substations is a viable option that the Committee should look at. Mr. Silva said he thought it was a good point especially in light of the fact volunteers are becoming increasingly difficult to get. He said there may be some advantage to doing it but before moving to that there has to be discussions if it is necessary. Ms. Granese said she knows it won't be popular but she thinks it is worth looking at.

Ms. Granese asked if the Committee was going to eliminate the senior center and take away the senior services. Mr. Silva said every option that was going to be discussed was put on the table and he is sure there will be some aggressive dialog among Committee Members at the next meeting. Ms. Granese said she couldn't imagine the outrage over this compared to no fireworks and she expects it will be 5 to 1 for fireworks. Ms. Granese said the center isn't just a place to get lunch, it is a haven where they get help with bills they get, letters they get from the government and doctor appointments. She said she understands it serves over 100 seniors per week and she doesn't think it should even be an option. Ms. Granese will fight tooth and nail if the Committee even considers doing away with the senior center. Mr. Silva said she should make sure she is at the next meeting.

John Pucci said a couple of months ago there was discussion about the confusing signage at the light at Sugar Hill and asked if there was any information on it. Mr. Sasdelli said there was lots of discussion between him and the Chief. He called on Lt. Barr to respond as to the follow-up. Lt. Barr said people stop there and can make a right-on-red if they want to. Mr. Pucci said the sign says "stop here on red" but if it said right-on-red everybody in New Jersey would know what to do. He said some people stop there and some don't. He asked if the sign could be changed to say "right-on-red". Mayor Gaskill said that is a county road. Mr. Palmentieri said it was supposed to be a temporary light. Mr. Sasdelli said he will try to work with the County and DOT to make the signage clearer. Mr. Silva asked Mr. Sasdelli to also ask them to make the "do not block the intersection" sign at River Road clearer. Mr. Pucci commented on cars passing him on the right at the Cologne Avenue/Route 40 intersection when he didn't want to make a right-on-red and asked that putting up some signage so people can't pass on the right also be looked into.

Mr. Pucci asked what the requirements were for paid professionals other than Township Committee Members and Mr. Sasdelli to attend Township Committee meetings. Mr. said the Committee wants and the solicitor and engineer to attend. Mr. Pucci said he could understand wanting the solicitor present. Mr. DePasquale said he attends for free and that his firm doesn't charge for attending the meetings. Mr. Sasdelli explained the engineer has a contract and gets paid by capital project but does not get paid \$145.00 an hour for being at the meeting. He explained that the engineer does it so that he knows what Mr. Sasdelli is talking about when he calls him the next day about things that happen at the meetings. Ms. Gatto said the

August 3, 2009

solicitor is donating 1 meeting a month. Mr. Pucci asked when that started. Mr. DePasquale said it has always been that way for his company. Mr. Sasdelli said it began when R&V was appointed in 2008. He said when Churchill was the engineer the Township paid a fixed fee for them being at meetings. Mr. Pucci said that as a township resident not hearing any report several meetings in a row made what is being charged for no report questionable. Mr. Sasdelli explained he meets with Mr. DePasquale every two weeks and goes over his reports and asks him to report on something if it is significant. He said Mr. DePasquale could give a 2-hour report but he told him that he didn't want him giving a report unless it was something like Skip Morgan Drive or the Dam.

Ms. Gatto congratulated Mr. Lafferty on recently being designated a Cooper Lawyer for 2009. She said she meant to report it several meetings ago but forgot.

John Kurtz referred to Ms. Gatto's mention of the Merchants' Association taking up some township time to learn how to get the Hometown Celebration going on their own and said they learned that they wouldn't need as much Township support next year. He said they had a combined events committee in another community he was involved with years ago that was made up of representatives of many different organizations and entities in the town like those folks now looking to save the fireworks and Halloween Parade. Mr. Kurtz said he thinks if all could all get together as a combined events meeting or committee, they could discuss the 2010 celebration, put all their thoughts together, raise the funds and do it without having 27 pancake breakfasts or stepping on each other's toes. The Mayor suggested Mr. Kurtz get in touch with the Rotary Club, Ms. Herman, Ms. Thomas and Rev. Ash to start doing that.

Harry Rogers said he couldn't help but notice that the Committee has consistently refused to look into a rent control ordinance. He commented on not knowing if the Committee ever ask for a cost benefit analysis on it and asked the Committee to pass a resolution asking Mr. Sasdelli to do a cost benefit analysis. Mr. Rogers said it would be a significant revenue source and would improve the quality of life. Mr. Rogers asked the Committee to consider it and get the facts before summarily dismissing it.

Mr. Rogers said there was an extended amount of discussion on the sale of Lenape Park, the County expended a tremendous amount of public funds to buy a dying business and then there were stars in the eyes of some on the Township Committee at that time of getting it from the County for \$1. He said the township has been subsidizing that property to the tune of \$30,000.-\$50,000.00 a year without a single employee walking onto it because it was taken off the tax rolls and the Township will never see that money again. Mr. Rogers commented on recently seeing in the paper that there is a possibility the Township is again thinking of taking over that property for \$1 or some small consideration. He said the County realized their error in buying the property and wants to unload it on the Township. He said when the purchase was being discussed years ago he and a group of residents got together to oppose any government involvement in that property in any fashion and if they couldn't stop it to stop Hamilton Township from taking on another liability, but it was already a done-deal. Mr. Rogers said the Cove is not handled well, has been a drain and embarrassment, and according to the papers the Township is now thinking about taking on Lenape Park again. He said it would be taking on a project they couldn't accomplish on a small scale and doing it on a bigger scale. Mr. Rogers said he hopes the individual members of Township Committee would express their leanings in that regard because it was a loser when the County took it over and will be a bigger loser fro Hamilton Township residents if the Township takes it over. He said if jobbing it out to a concessionaire could have been done the County would have done it. Mr. Rogers said he thought that the idea that any level of government can do what a highly motivated entrepreneur was unable to do was folly. Mr. Silva said he thought what was in the paper was aggressive reporting and the township taking it over for \$1 was a suggestion by someone who may be at the County level but isn't from this township. Mr. Silva said he doesn't know of anybody on Township Committee who is suggesting the Township take it over while they are in the situation. Ms. Gatto said the County asked the Township to sit down with them and take a look at a long-term strategy for that property but the Township hasn't taken any action on that and she doesn't know that it will in the near future. She said it will have to be discussed at some point because it is just sitting there. Mayor Gaskill said the Township has nothing from the County about the Township taking the Park other than what was in the paper. Mr. Silva said Mr. Rogers was right about the loss of real estate taxes.

Mr. Rogers asked if any one had any thought or comment about his suggestion about the rental ordinance and request for Mr. Sasdelli to do a cost benefit analysis. Ms. Gatto said she turned over the information Ms. Kraus gave her about two years ago to the Finance Committee and that is where it is. Mr. Rogers said nothing will happen and there is a sense from the Committee that they want the facts. Mr. Sasdelli said Mr. Rogers is the same person who at public hearing after public hearing says the Township has to make government smaller and the only way to do that is to have less employees, less benefits, less workers comp insurance. He said what Mr. Rogers is suggesting will bring in revenue but it will increase the

size of the Township workforce. Mr. Sasdelli said the bottom line when you add employees is that they get hurt, they take sick days, they get holidays and pension. Mr. Rogers said he understood that and that is why he is asking that a cost analysis be done. He said he could be wrong but he thinks it will give the Committee a good sense if they look at projected income versus projected costs. Mr. Rogers said it would have several immediate impacts beyond revenue and costs including improved life in the that is supposition and there is no basis for it. He said it is very difficult for municipal officials to go into a house and kick people out. Mr. Sasdelli said that isn't the business the Township is in. He said that thinks the Township has a lot of other things that will save a lot more money that they can spend their time on.

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

MOTION CARRIED 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 this meeting be adjourned to an executive session to discuss pending litigation, Hamilton Twp. v. Bond Safeguard Insurance, et. al. which is exempt from public discussion pursuant to the new jersey Open Public Meetings Law, and that action may be taken.

BE IT FURTHER RESOLVED that the Township Committee will reconvene in public session to confirm the results of said executive session discussions.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the meeting be reconvened in public for executive session confirmation.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Mark Friedman, Special Counsel for the Hamilton Township v. Bond Safeguard, et. al. litigation, be authorized to negotiate with the developer on behalf of the Township to move forward in trying to resolve the litigation with dismissal of the litigation based on the negotiations.

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

Ms. Gatto moved, seconded by Mr. Silva, that Mark Friedman be and is hereby authorized to appear before the Planning Board on Thursday, August 6, 2009 on behalf of the Township Committee in the matter regarding the Fernmoor Homes at Woods Landing LLC.

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

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

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

ATTEST:

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