

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
AUGUST 17, 2009

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by faxing or e-mailing a copy of said notice along with the agenda for this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 p.m. on Monday, August 17, 2009 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Item 8.B, approval of person to person transfer of liquor license #014 be deleted from the agenda at the applicant's request.

BE IT FURTHER RESOLVED that the executive session be moved from the Agenda Late List Item 13 to the regular agenda as Discussion Item 2.B and that the following names of businesses be inserted in Item 8.A:

- 1) Perfect Balance - gymnastics school
- 2) Atlantic Wireless - cell phones and accessories store in Hamilton Mall

RESOLUTION ADOPTED WITH MEMBERS GATTO, PALMENTIERI, PRITCHARD AND GASKILL VOTING "AYE", MR. SILVA VOTING "NAY", NO "ABSTAIN"

Mr. Silva said he wasn't in favor of having an executive session at this time when there was a room full in the audience.

CONFIRMATION OF JULY 20, 2009 EXECUTIVE SESSION

Mr. Lafferty explained the lawsuit involved recreation fees charged to certain developers and two court decisions. He said in the Jackson Township case the court said the Municipal Land Use Act didn't allow such fees and in the Egg Harbor Township case the court said it was a permissible assessment. Mr. Lafferty explained the issue ultimately went to the Supreme Court and in late June 2009 the Supreme Court said it didn't apply to certain developers. He said Pond & Spitz is one of the developers that fall within that classification; the suit they instituted against the Township that was been pending has matured and the only outstanding issue was retroactivity; the total amount at issue is \$75,000.00; and the proposed settlement is for 50% which will leave the Township with \$37,500.00 unencumbered and \$37,500.00 will be returned to the developer. Mr. Lafferty said his office recommended the Township accept and authorize the settlement.

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

**RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO A SETTLEMENT REGARDING THE MATTER OF POND & SPITZ HOMES AT AVALON, LLC VS. HAMILTON TOWNSHIP, ET ALS. FOR THE SUM OF THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$37,500.00) AND AUTHORIZING THE TOWNSHIP ATTORNEY AND TOWNSHIP ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS SETTLEMENT.**

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**WHEREAS**, an action entitled Pond & Spitz Homes at Avalon, LLC vs. Hamilton Township Custodian; Hamilton Township Committee, et als. has been instituted in the Superior Court of New Jersey - Atlantic County - Law Division under Docket No. ATL-L-004027-08; and

**WHEREAS**, a settlement has been proposed by Plaintiff to resolve this litigation for sum of THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$37,500.00) together with a mutual release of any and all claims related to payments made by Pond & Spitz Homes at Avalon, LLC regarding recreation fees related to the development referred to as the "Enclave at Hamilton"; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that the Township Attorney and the Township Administrator shall be and are hereby duly authorized, empowered and directed to enter into the proposed Settlement on behalf of the Township of Hamilton with the Plaintiff in the above captioned litigation and that the sum of THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$37,500.00) is hereby authorized to be paid to the Plaintiff, Pond & Spitz Home at Avalon, LLC, in accordance with the Settlement referred to above in order to fully and finally settle all claims in the above captioned litigation as against the Township of Hamilton and its agents, servants and/or employees.

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

RESOLUTION ADOPTED AUGUST 17, 2009.

Adjournment to executive session - 6:38 p.m.

Mayor Gaskill explained the executive session was needed to discuss matters regarding personnel and estimated it would take fifteen minutes. He thanked the public for its indulgence.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss possible union concessions to the existing Teamsters Collective Bargaining Agreement which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law and that the results of said executive session discussions shall be made known as soon as the negotiations are no longer confidential.

BE IT FURTHER RESOLVED that the Township Committee will reconvene in public session to continue with tonight's agenda at the close of the executive session.

RESOLUTION ADOPTED WITH MEMBERS GATTO, PALMENTIERI, PRITCHARD AND GASKILL VOTING "AYE", MR. SILVA VOTING "NAY", NO "ABSTAIN"

The Committee reconvened in public at approximately 7:22 p.m. Mayor Gaskill thanked the public for their indulgence. He commented on these being trying times for everybody and the Committee's need to discuss a lot of things regarding personnel in executive session.

Early public comment on agenda items

Aline Dix said all bonding documents she has seen the principal and interest payments are usually together with the principal payment once a year and interest paid twice a year. She said the resolution document she read on Friday was changed in the time she was in the room tonight. Ms. Dix said the principal payment was due July 15th which is the worst possible time of year when the cash flow is at its lowest. Ms. Dix said she discussed it with Mr. Sasdelli before the meeting started and he called Mr. Tuthill and the agreement now is that interest payments are in April and October and the principal payment was changed to October 1<sup>st</sup>. Ms. Gatto asked if there was some misunderstanding about the time line. Mr. Sasdelli said his call to Mr. Tuthill was not to change the number because Mr. Tuthill had already given the change to Mrs. Anderson and she had it today. He said he didn't know why it was July and why it got changed to October and that he leaves that to the bond counsel. Mr. Sasdelli said his focus was on the Township refinancing of \$5.2 million in debt that will save \$218,000.00 and the interest rate is going from 4.4% to 1.5%. Ms. Gatto said she didn't want people thinking deals were being made on the phone before the meeting and that is what Ms. Dix's comment sounded like to her. Ms. Dix said she didn't mean it that way. Mrs. Anderson explained Mr. Tuthill came to her this afternoon and said there was a typing error in the original resolution and that bond counsel had just sent him a corrected one. She said that the page Mr. Sasdelli showed Ms. Dix is from the corrected resolution that Mr. Tuthill got from the bond counsel and gave her this afternoon.

Ms. Dix commented on Mr. Pritchard being the only one who voted no on declaring the cotton mill in need of redevelopment. She said the owners came to the Planning Board for permission to start demolition from the fire that happened two years ago and still nothing has been done to clean it up. Ms. Dix that was the first redevelopment designation the Committee approved. She said that the second redevelopment was the landfill and it is being cleaned up with a grant but she doesn't know where that one is going. Ms. Dix said the Township is now in a study for a third redevelopment for what she calls the new Wheaton factory and that it is pending Planning Board action. She said that the Race Track is the fourth one but it is being called "in need of rehabilitation". Ms. Dix questioned what the citizens get from it; what the developer gets; and if tax abatements are going to be part of it. She commented on the coming of the reval and so many houses being for sale already. Ms. Dix questioned whether the Committee had any idea of what they are buying into or what they would be permitting if they agree to what is on the consent agenda tonight. Mayor Gaskill expressed his belief it will make the Township much more business friendly, bring in commercial ratables instead of more housing development, and that will be much better for the taxpayers. Ms. Gatto commented on Mr. Sartorio giving a very nice synopsis of the differences between redevelopment and rehabilitation at a previous meeting and asked if he could do it again. Mr. Silva asked him to touch on whether any tax abatement was discussed. Mr. Sartorio explained redevelopment and rehabilitation are both covered by the same State Statute and the biggest difference is that the proofs needed for rehabilitation are much easier to meet. He explained there was a finding in this case that the majority of the water and sewer infrastructure at the track is more than 50 years old and that is one of the primary criteria. Mr. Sartorio explained a redevelopment plan or redevelopment agreement can be done under both designations. He explained the biggest difference is that under the rehabilitation designation the municipality's ability to use eminent domain and the to go into long-term payment in lieu of taxes are both removed. Mr. Sartorio explained that if the municipality needed land that it could ordinarily acquire under eminent domain for another public purpose, any public non-economic purposes such as roads, they can still do it as long as it is covered by another Statute. Ms. Dix asked if the developer could be required to set aside land for a school if 500 homes went in there and the

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Township said there is a need for a school. Mr. Sartorio said they could be if the municipality is allowed to do it under another State Statute but that would be a separate Statute. Ms. Dix asked if the developer could propose to dedicate 50 acres of land for a school if they chose to. Mr. Sartorio said they could and it would have to be laid out in the redevelopment plan. He explained the redevelopment plan is basically the Master Plan that governs development of the site for a specified time period. Ms. Dix asked what the specified time period is. Mr. Sartorio said it could be up to 20 years. He said tax abatement has not been discussed at all at this time. Mr. Sartorio explained the base tax on the property remains the same with tax abatement and said it is not an abatement, it is a phase in of value on the improvements that are added if the Township entered into one of those agreements. Mr. Silva asked if Block 1135.01 Lot 10.01 included everything that is known as the Race Track today. Mr. Sartorio said it is the bulk of the property that they own. He said they own a couple of smaller parcels that are not in the Regional Growth Zone and are not included in the designation. Ms. Dix questioned when the Township would be determining what will or will not be permitted and whether tax abatements will or will not be permitted if the Committee proceeds with this. Mr. Lafferty explained that if the resolution is adopted, the next step is that it has to be filed with DCA and thereafter a redevelopment plan is generated. He said that usually, and in this case, it (the Redevelopment Plan) would be submitted by the owner and then the terms would be discussed. He said there is no set time line. Ms. Gatto said the public voted in a referendum several years ago that there would be no use of eminent domain in the municipality and one of the benefits of the rehabilitation designation is that the Township Committee is holding true to that.

Mr. Sasdelli explained there were 9 people signed up to talk about the senior center which technically isn't on the agenda; 4 with nothing specified; Ms. Granese for 4.A and 4.B; Peg Capone for 4.A; and Wayne Choyce for 8.F. He asked if the Committee wanted to take them in the order in which they signed up or take others first and then the senior citizens. Mr. Silva said if people signed up to speak the Committee has an obligation to hear them. Ms. Gatto said the question is whether the Committee wants to put out information now regarding budget options which might answer some of the questions.

Mayor Gaskill asked if the Committee wanted to skip to discussion on the budget to alleviate some of the questions. Mr. Pritchard and Ms. Gatto suggested taking early comment on items other than the budget first unless it would be too much of a hassle.

Wayne Choyce questioned who is paying for the School Resource Officer. Ms. Gatto said the School District is. Mr. Choyce asked they will pay wages and benefits or just wages. Mr. Sasdelli said the School is paying the whole thing, \$89,000.00 which is 10 months salary, benefits and pension for that officer. Ms. Gatto said that same offer was made to all of the schools and the Vocational School District was the only one that took it.

#### Early public comment on Senior Citizen Center/Social Services budget cut option

Mayor Gaskill said the Committee wanted the Finance Committee to give the public some information on why the senior citizens was on the budget options so that they can understand the process.

Ms. Gatto explained the Township Committee is trying to address a \$2.5 million short fall in 2010 and that the Finance Committee laid out recurring items, one time items and several options. She said they asked Department Heads what they had that was not defined as a core obligation and did not benefit the entire citizenry. Ms. Gatto read the list of options presented at the last meeting. She said the Finance Committee looked at how many people are served, the cost, and how many people it takes to provide the service. Ms. Gatto said the biggest cost for the Senior Citizen/Social Services is approximately \$250,000.00 for 4½ employees' salaries and benefits. She commented on Committee knowing that the Township provides lunches, transportation to doctor and other essential appointments; that the food bank is done from the center; that they do the paperwork for utility assistance; and that the numbers show there are 100 recurring senior users. Ms. Gatto said those were the points of information on that issue. Ms. Gatto said everything was put on the table.

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Mr. Palmentieri said he thought Ms. Gatto did a very good job and he just wanted to add for those that may not be aware of it that there is a new CAP on how much the taxes can be increased. He explained that the new CAP is what is forcing the Committee to make cuts because by not being able to increase taxes it doesn't cover the increases in expenses that the Township has every year. Mr. Palmentieri said the Committee will have to trim government for the next couple of years to get under that CAP. He said that is why the Committee is looking to shrink government. Mr. Palmentieri said that in the past the Committee maintained it by higher tax rates but now the tax rate is CAPPED so the size of government has to be reduced.

Mr. Silva said that there was thought of closing the senior center at the last meeting but no decision was made. He said sometimes things cost a little more but you can't put a dollar value on the service. Mr. Silva said he thought part of what Mayor Gaskill spoke about earlier was the importance of people knowing what the thought process was up front and it made the most sense. He said he hoped the seniors would keep that in mind when they make their comments. Mr. Silva said the doors haven't been closed, no one has said it won't be there tomorrow, and no one said the seniors won't be picked up and taken to their appointments. He said the Committee is basically trying to have a very open, candid discussion on this and he thinks everyone on Committee recognizes the seniors are a very valuable resource.

Mayor Gaskill thanked Ms. Gatto and Mr. Palmentieri for their comments and said that was the genesis of how this came about. He said the Committee wants to hear the senior's thoughts and will then go on with the rest of the agenda.

Rich DeFeo said he and Mr. Cain have been talking to people at the senior center and the over-55 centers and it seemed the word on the street is that the Committee is going to close the senior center. He said he and Mr. Cain are 100% against that. He commented on how much those employees do and said so much goes on behind the scenes that is incredible. Mr. DeFeo said people at the bottom of the barrel get welfare, the middle class just gets by and the rich don't have any problem. He said the country seems to push handicapped children and senior citizens in the corner and through the cracks today. He said he knows how hard the Committee worked to bring in the 2009 budget and how much harder they are going to have to work to bring in the 2010 budget but he hopes closing the center will be taken off the table. He said he thought there should be some grants that could help. Mayor Gaskill said it was an option not a thought pattern. He said the Township has never pushed seniors in a corner and it has always taken care of its seniors. Mr. DeFeo said he was talking about the country not this Township Committee. He commented on Mr. Silva being the only senior citizen he knew of on Township Committee and asked Mr. Silva how he felt about it. Mr. Silva said he understood discussion of it could go further by putting it on the table but he always felt that you don't change something unless you can provide something equal to or better. He said the Committee Members feel there is a lot to look at there and that Ms. Gatto brought up a good point. Mr. Silva said a lot of people say they pay a lot of taxes and he thinks the budget discussion, largely put forth from the Finance Committee, is trying to let people know where the money is spent. Mr. Silva said that is very important because the Committee is discussing a structural deficit. He referred to Ms. Dix saying that she may not be able to live in her house in 2011 and he thinks a lot of people feel that way but if it is discussed in an intelligent manner and people will have a better understanding of what the Committee has to wrestle with if they sit in the audience and have dialog with the Committee. He said the Committee decisions are non-partisan and are made in the best interest of the community. Mr. Silva said those in the audience tonight were representative of the mature citizenry in the community and he thinks the Committee's decisions have to be made to make sure they protect it. Mr. DeFeo said he just wanted to hear the Committee say that they aren't closing the center.

Before calling on the people who signed up to speak about the senior center, Mayor Gaskill asked them to try not to repeat what others have said.

Jay Edelman said that it being put on the table and proposed was reprehensible and it should not have been considered. He commented on what

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is done at the center and said no other facility in the County can replace it. Mr. Edelman said the people present pay the same amount of taxes as everyone else. He talked about people paying school taxes for years after their children are out and said they do it because they want children to benefit because they are our future. Mr. Edelman said the Township encourages over-55 communities to come in because they don't use the school system or police department but they pay the same taxes as those with children. He said the little the seniors get is under pressure to be removed and it wouldn't be on the table if it wasn't considered. Mr. Edelman said the seniors were challenging the Committee and he proposed the Committee vote immediately to remove it from consideration. Mayor Gaskill said it could be talked about as soon as the Committee gets to the budget discussion. He said the Committee had to hear the others who signed up to speak and it was fine if the others were willing to have Mr. Edelman be their spokesman or if they wanted to speak themselves. Mayor Gaskill cautioned the people that this Committee is talking about the 2010 budget but next year's Township Committee will be different and they will have the opportunity to put this back on the table if they want to.

Dorene Masonheimer said it came to her attention that the Committee feels the center is a duplication of services. She said there is no duplication of services. Mrs. Masonheimer commented on having to go to her doctor's appointment last week by the County Access Link because of previous budget cuts. She said her appointment was for 9 a.m. and she had to wait outside in the rain until the doctor's office opened because the County picked her up at 6:30 a.m., came back to pick her up at 11 a.m., and she didn't get home until after 1 p.m. Mrs. Masonheimer said she would have been there and back home in 2 hours if the Township Senior Center had taken her. She said an 88 or 98 year old person can't travel for hours on Access Link and sit in doctors' offices 3-4 hours waiting for them to come back. Mrs. Masonheimer asked how many Committee people drove their car to work this morning and said they could have taken the New Jersey Transit bus. Mr. Silva said they could if it was going the way they way they were going. Mrs. Masonheimer said it is the same thing with Atlantic County Transport. She said the Committee Members drove because it was more convenient and asked if they would have taken the bus if it came right to their door. Mr. Silva said he had to be at work at 6 in the morning. Ms. Gatto said she took New Jersey Transit every day for 4 years and just stopped because she got a new job. Mrs. Masonheimer said having the center take the seniors to their doctor appointments and grocery shopping isn't a duplication of services. She said she has to book the county bus a week in advance if she wants to take it for grocery shopping and they won't help her on the bus or with her bags because they aren't allowed to. Mrs. Masonheimer said the seniors have had the center to provide them with a safe environment for almost 40 years and questioned how they will maintain the network they have built up over the years. She said it is very unique to Mays Landing. Mrs. Masonheimer said that she made her last tax payment check out to Hamilton Township, not Atlantic County.

Howard Huettl commented on the Township's core mission and what the Township wanted to spend money on being spoken about earlier. He said he thought the senior center and services are like schools, the people expect the Township to sponsor and do the coordination for their kids. Mr. Huettl said he thinks the same thing has to be done for the seniors and it isn't optional or discretionary. He said he has been here 23 years and the services were one of the reasons they moved here. Mr. Huettl said the senior center and services should be considered a key part of the Township's core mission and closing it should be taken off the table.

Joseph Gullo said he has been here since 1940. He said that when Committee Members came to the center last year and invited the seniors to the VFW they told the seniors they were going to take care of them and now they are stabbing them in the back. Mr. Gullo asked the Committee to please do what is right and get this off the books.

Leonard Kaplan said everything he had thought of had already been mentioned. He said he would think that the demise of the center would be a tragic act for an ever-increasing aging population. Louise Kaplan said everything she was going to say was mentioned. She said it was wonderful

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that all these people came out tonight to show from their heart what they believe. Mrs. Kaplan said she wanted to leave the Committee with one thought, the seniors not only pay taxes, they vote.

Harry Bilicki said that of all the services under consideration this should be the last one and the Committee should be turning off the lights in this building before they cut services to the seniors. He said people like Mr. Gullo who fought in World War II and those on the home-front are the ones responsible for the freedoms and everything we have today. Mr. Bilicki said the seniors are our mothers and fathers, both literally and figuratively, and we have to take care of them.

Lorraine Granese said this was on the budget presentation at the last meeting and not one person except her mentioned it. She said it wouldn't have been there if it wasn't a serious option. Ms. Granese asked the Committee not to back pedal now that all the people showed up and say it was never their intention to close the center because it was. Mayor Gaskill said that was incorrect because as was explained by the Finance Committee it was put out there strictly as an option. The Mayor said the Committee Members have argued about and discussed all of the options. Mayor Gaskill said Ms. Granese should not say it was put out there to be considered. Ms. Granese said the big complaint was that it cost \$250,000.00 to service only 100 people and Mr. Sasdelli said the County could possibly take over some of these services. She said the Mayor shouldn't insult the people present or tell her it wasn't a serious consideration. Ms. Granese said nobody knew all the people were going to show up tonight. Mayor Gaskill said he wasn't insulting anyone and that he knows a lot of people in the audience. He said the Committee is trying to be as transparent as possible and that they have to be transparent to the 27,000 people who live in this town and not only to the seniors. The Mayor said the Committee is going to talk about it but he had to caution everyone to stay vigilant because it can come up in next year's budget talks. He said it was strictly an option and the Committee didn't leave anything off of the table and argued about it behind the scenes. Mayor Gaskill said that what Mr. Sasdelli said is true and the other 27,000 residents have to know that. He said this administration has been as transparent as any has ever been and they are telling everyone, whether a senior or a child, that they are opening their books and being honest and fair to everyone. Ms. Granese said the people have to be vigilant and she believes there is a good possibility that when push comes to shove the center will be closed no matter who sits on Township Committee. Mr. Silva said it wouldn't be while he was on Committee. He said that the Committee would never be in this position if they hadn't passed the budget early and no matter what their differences may be, a lot of information is being put on the table early. Mr. Silva said that even though two of the present members won't be on Committee next year, they are taking this very seriously because they argued it both ways and he thought that is what is important in the democracy and everyone has to be open-minded about it. He commented on a lot of people coming out tonight and said it should be that way at every meeting but it only seems to happen when there is an individual issue that affects a group of people. Mr. Silva said the Mayor is right about being transparent.

Mrs. Masonheimer asked why another Administrator was hired when there was a hiring freeze. Mayor Gaskill said the town can't run without an Administrator and the Committee replaced one who left. Mrs. Masonheimer said Mr. Morley was new. The Mayor said Mr. Morley is the Director of Public Works not an Administrator and he would have to research to find out if there was a hiring freeze when Mr. Morley was hired. He added that Mr. Sasdelli was hired when Mr. Guidry left.

Peggy Capone said she was disappointed in the pattern she saw with Township Committee last year and sees again this year of increasing the tax levy and taking away services. Mrs. Capone said she doesn't agree with some of the proposed cuts and that she thinks there are other ways within the township spending that could save some of the issues that are of concern to people and the senior center is one of them. Mrs. Capone said the township spends about \$2 million a year on health insurance and the employees pay 1% of their salary towards it. She said that people in the private sector pay 45-55% of the cost of their health insurance and if the Committee made employees pay 25% of their insurance it would be \$250,000.00.

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Mrs. Capone said she thought it was a service the township employees could give up and save services to the people they are supposed to serve. She said the township gave \$470,000.00 in raises last year and she realizes \$150,000.00 was given back but it wasn't fair that Hamilton Township employees got raises while people in the private sector were losing their jobs. She said it was not right that the Committee closed the Cove, cut fireworks, cut Christmas lights in the Park, and cut services to the people and rewarded the employees with raises. Mrs. Capone said there stands to be over \$500,000.00 in raises this year and she didn't see that on the list of cuts in the newspaper. She said there should be a freeze and that employees need to make more sacrifices. Mrs. Capone said she thought most of them would do it if they were directed to but they need leaders to do it. Mrs. Capone said there are a lot of perks given in this township. She said the Township has 56 police cars and asked how many officers there are on any one shift and how many police cars are being used on one shift. Mr. Sasdelli said the number of officers on any shift isn't given out for security reasons. Mrs. Capone said several officers take cars home and they don't pay for insurance or gas. She said there has to be savings there and suggested the policemen share cars. Mrs. Capone said there are 10 people in police administration that have cars and maybe they shouldn't have those vehicles. She said maybe they should be buying their own vehicles and paying their own insurance and gas. Mrs. Capone said she has to believe there are savings there. She said she was giving the Committee options that they might not be aware of and that she thinks she has a right to make those suggestions. Mrs. Capone said she sees cutting of services and increasing of fees. She said whether it is the tax levy, planning and zoning fees, construction or fire fees they are costs to the residents. Mrs. Capone said the idea of government is that they must cut their spending and they should look within themselves before they start aggravating the people they are serving. Mrs. Capone asked what the \$1.8 million for trash collection on the options list was for. Mr. Sasdelli said it is the cost of the program. Mrs. Capone said when she hears that, she hears more cost to the people who produce trash. She said she doesn't agree with \$400,000.00 in the school deferral. Mrs. Capone said the township should pay not defer and that they should have a budget and make it work with what they have. She asked the Committee not to cut services. Mrs. Capone said she didn't like it last year when she saw raises going out. Mr. Silva asked Mrs. Capone if she was at the last Township Committee meeting. She said she wasn't. Mr. Silva said it was unfortunate that she missed it because the Police Department got its national accreditation and a number of officers and some citizen were given awards for services and life saving. He said public safety probably ranks the highest with everyone on the list of core missions and there is a cost that comes with it. Mr. Silva said we may not always be happy about the cost to provide that service and he thinks you have to ask if they are worth it when you look at the 116,000 calls they responded to. He said he thought they are. Mrs. Capone commented on the police coming twice a week to get the drunk across the street from the building she has on Main Street and said they have multiple police cars come to take one guy away. She commented on seeing multiple police cars for pulling over traffic violators so she can guess that the township has more officers than they need. Mayor Gaskill said when the police pull someone over the officer out there alone is in harm's way and in very dangerous situations so it is an important policy that they have back-up when they pull someone over because it could save their life. Mrs. Capone said twice a week she has seen 6 police cars respond to a drunk across the street, drive up on the curb in front of the bakery and arrest 1 person. She asked if the Committee didn't think that was a little aggressive. Mayor Gaskill said he wasn't going to second guess the police not knowing the situation. He said it is a very dangerous job and that there are no finer people than those who put their life on the line. Mrs. Capone asked how many officers make over \$100,000.00 a year. The Mayor said he didn't know. Mrs. Capone said that he should. Mr. Pritchard explained a Lexington Plan was done a number of years ago because the police are basically on duty 24 hours a day. He said having those cars in their driveways and patrolling the streets when they are going to the store helps prevent crime whether Mrs. Capone likes it or not. Mr. Pritchard said it is a very worthwhile plan and it is worth millions of dollars if it saves one life.

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Pat Johnson said she became aware of the senior services when had a stroke 5 years ago and couldn't drive anymore. She said she doesn't like to call friends for that and the senior services have been wonderful. Mrs. Johnson commented on having to call the County to go to a doctor in Northfield because there was no one at the senior center. She said they picked her up at 9 a.m. and she asked them to come back at 12. She they came back at 4 p.m. and she had to wait for them outside in the heat with no place to sit. Mrs. Johnson said she agreed with everything everyone said tonight. She said she doesn't participate in the lunch program but appreciates what they do there. Mrs. Johnson invited Committee Members spend a day at the center, one at a time, doing what the employees do. She said that meant getting there at 7 a.m.; shopping for lunch; cooking; picking people up, taking them places and home; and getting everyone together for lunch. She said it is a long day and they do it with a smile. Mrs. Johnson said she is grateful for the senior services people get in Mays Landing and brags about it. She said was glad to hear that the Committee isn't closing the center and she wished the Committee would go back to hiring another person there.

Mrs. Masonheimer said the seniors were asking the Committee to do something for them and that she thought they would gladly pay a fee for the trips to the doctor. She commented on them being on fixed incomes and said they could pay a couple of dollars. Mrs. Masonheimer said it might not help much or be a big deal in the budget but they are willing to do it because it is so valuable to them.

Abigail Fox said when she had a hip replacement 2-2½ years ago and wasn't allowed to drive she went to the senior center and was taken to Kessler Hospital wound center on a regular basis for treatment. Mrs. Fox said she doesn't need that service now but wondered how many seniors who need transportation on a temporary basis don't access the services on a regular basis. She said there isn't a lot of public transportation in this area and having township transportation available for shopping and going to the doctors is what keeps the seniors living in the area. She said she didn't think the township would be opening 55 and over developments if they didn't want seniors here. Mrs. Fox said she is concerned about all the other senior citizens right now and feels this is a really important issue. Mrs. Fox said she agreed with most of the people who had spoken that there are other places to cut. She said she read the options in the paper and wondered how the taxes can be kept at a reasonable level and still provide the services the people want. Mrs. Fox said that to her this is a service that is needed.

Mrs. Masonheimer referred to Ms. Gatto saying not enough people participate in the services and said one of the reasons they don't is because of the cuts. She said she lives in Tavistock and when people there wanted to call the center she said she didn't know if they could handle it. She suggested Sue Giberson speak at the over-55 developments to encourage users. Mrs. Masonheimer said the senior center used to be advertised in the paper but she hasn't seen that for a long time. She said usage could be increased if that is the issue.

Arlene Gullo Calletta thanked the Mayor for defending the Police Department. She said her father got very depressed and melancholy when her mother passed away 10 years ago and he didn't drive anymore. Mrs. Calletta commented on getting him to go to the senior center and said the center has brought much joy into her father's life. She said for the past two weeks he talked about it may be closed and he gets depressed. Mrs. Calletta commented on knowing that if any of the Committee Members have older parents they don't want to see them upset. She said this is what the seniors live for, to see their friends on a daily basis. Mrs. Calletta said she begged the Committee not to close the center.

Alice Giandonato talked about how the center helped her 90-year old mother. She commented on being a single mother and expressed hope the service would be there when she became a senior.

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Recommendation from 2009 Township Committee to 2010 Township Committee

Mr. Pritchard moved, seconded by Mr. Silva, that the 2009 Township Committee strongly recommends to the 2010 Township Committee that they do not consider cutting or closing any senior services to the residents of the Township.

Ms. Gatto said that if the Committee is going to make that recommendation, it should include adding it to the core mission list which drives the Finance Committee's budget decision making so that it doesn't come on the table again.

Mr. Pritchard amended his motion and Mr. Silva amended his second, to read as follows:

BE IT RESOLVED that the 2009 Township Committee strongly recommends to the 2010 Township Committee that they do not consider cutting or closing any senior services to the residents of the Township and that Senior Citizen/Social Services be added to the core mission of government list.

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

2010 Budget projections/options discussion continued

Mayor Gaskill said he whole-heartedly supports this. He said he has had several seniors in his household that they took care of and he is proud to live in a neighborhood where there are a lot of seniors. He said he is glad to take care of them. Ms. Gatto said here grandparents use the center. Mr. Silva thanked the lady who suggested the Members visit the center. He said he understood all of the comments made tonight and doesn't think anyone on Committee is insensitive to them. Mr. Silva said the Committee made this decision in the best interest of the community.

A RECESS WAS DECLARED AT APPROXIMATELY 8:50 AND THE MEETING WAS RECALLED TO ORDER AT APPROXIMATELY 9:03.

Ms. Gatto said that given the negotiations discussed in executive session she thought the Committee has to postpone anything on the option list regarding personnel. She said the senior center/services was taken off the list with the vote just taken; the CHRP Grant was approved at the last meeting; the SRO for the County Vocational School and fees are being discussed under another item. Ms. Gatto said the only thing left on the list is transferring the Mizpah Center and there has been some interest express by MIHS on that.

Mr. Sasdelli said the transfer of the Mizpah Center would be very similar to what was done with the American Legion Building. He explained MIHS is a non-profit group providing services to the community; the Township gives them in-kind contributions and allows them to use the building; and they want to continue being located there and provide services to the community. Mr. Sasdelli said they are willing to take ownership for a nominal cost and take over the cost of running it. He said it would be a savings because the Township now pays the cost of utilities, maintenance and all associated costs and that would benefit MIHS and the Township.

Ms. Gatto said it was done for \$1.00 with the American Legion. Mr. Lafferty said it would be allowed under State Statute subject to a reverter provision that if it is no longer used for the specified statutory purpose ownership and title would revert to the Township without further action by the Township Committee. Ms. Gatto recommended moving forward with pursuing the option. Mr. Palmentieri asked if exercise of the reverter clause was "shall" or optional. Mr. Lafferty said it is automatic and doesn't require reentry or entry on the land. Mr. Palmentieri asked if the reverter clause could be something the Township could chose or not to use. Mr. Lafferty said it isn't under the Statute because the Township is transferring public lands for a nominal fee and it comes back to the Township regardless.

Mr. Silva asked if the interest was genuine on MIHS part. Mr. Sasdelli said it was and that he spoke to both Rev. Rosier and Ethel Gaylord. Mr. Silva asked how soon it could be accomplished. Mr. Lafferty said it would take about 2 months.

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Mayor Gaskill said he this has been bantered back and forth since he has been on Township committee. He said he thought it was a good idea and that direction should be given to the Solicitor and Administrator to pursue it. Ms. Gatto asked if any official action needed to be taken now to move forward with it. Mr. Lafferty said there wasn't.

Private fund raising for special events

During early public comment Lorraine Granese said she thinks the Township has a problem because they are talking about raising \$20-\$30,000 for fireworks or about \$1,000.00 per minute and it has to be reconsidered. Ms. Granese said the Halloween Parade is very costly. She said she understands people wanting to keep things that they have traditionally had and doesn't fault them for that but she thinks it has mushroomed into something that has become unwieldy. Ms. Granese said she thought the focus on the Township's real problem was being lost. She expressed her opinion that \$20-\$30,000 donated for fireworks could do a lot of good in other places. She said there is a township celebration coming in 2010 and suggested if anything is going to be done it could be part of that. Ms. Granese said she agrees with Mr. Silva about the Atlantic City Race Track being a better venue for fireworks and said she thinks it has outgrown the Lake. Ms. Granese said it is very difficult for people to get there and have to walk 2 miles to look at fireworks. She said she would like to see more pressing things concentrated on. Ms. Granese said it is a long time before the 4<sup>th</sup> of July and time is limited before the Halloween Parade. She said she knows Rotary is interested in putting on the Halloween Parade again and she sees a stand-off between the police department, the business owners and the community on who is going to pay for a car and \$55.00 an hour for an off-duty police officer. Ms. Granese said she thinks it is going to become a nightmare for everyone and the town has to rethink what they are doing.

Mayor Gaskill explained there was a request from two citizens to do the fund raising for fireworks and pay for the police and things like that. He said the staffing cost analysis has been provided. Mr. Sasdelli said the Division Chief estimated it would take 17 hours of staff time for the Township to do the 3 things he was asked to research: (1) to act as the contracting agent with the vendor, to prepare the RFP, receive and evaluate quotes and to administer the contract (2) to act as the sponsor and applicant with the county and fire marshal for all the permits and (3) to secure all necessary insurance certificates to properly insure the event. He said it is broken down by task on the chart. Ms. Gatto asked if the hourly rate was straight time, not overtime. Mr. Sasdelli said it was.

Mr. Pritchard said Mayor Chiarello told him that the fireworks company does all the work in preparing and getting permits and insurance in conjunction with the Township but the bulk of the work is done by the Special Events Committee. Mr. Palmentieri asked if the special events committee is private individuals. Mr. Pritchard said it is.

Mr. Silva said there were other staffing needs. Mr. Sasdelli said the Division Chief also outlined the public works duties that would have to be absorbed: setting up and removing barricades, cleaning up the Cove the day before and the day after the event, and that is delineated at straight time. He said there are also police charges and, while the group agreed to pay for the public works and police department charges, those employees are not available to do other things. Mr. Silva asked how the gap would be closed to have the employees perform their normal functions while doing this given the short staff based on the layoffs etc. Mr. Sasdelli said that is why the core mission is important because when the governing body decides what the core mission is that is where he puts the assets and he puts people where the governing body decides the core mission is. Mr. Silva said that was why he suggested they consider changing the location when this first came up because it could cut down on a lot of the expense, what they would have to raise, and would probably appeal to a wider venue of people. He said he didn't know what their plan for raising the money was and that they may or may not be able to raise it but he is more concerned about the liability issue and asked how you transfer a liability. Mr. Silva said the Township doesn't control people coming into this event and asked how this took the group off the hook. Mr. Sasdelli said the Township wouldn't be transferring

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the risk and that the Township would be insuring the event. Mr. Silva said that one of the things that concerns him is that someone was injured in a fireworks accident or display and the case is still open and it has already cost the JIF almost one-quarter of a million dollars. He said the Merchants Association did everything themselves, they provided the liability certificates to the County and Township and they made all the arrangements. Mr. Silva said he didn't feel that the Township taking on any part of this should be part of the Township's mission at all at this juncture.

Ms. Gatto said her thought with the staff hours was to have them do it off-hours and treat it as extra duty time like the Township does with the police and that would be part of the cost to the community event. She said she thought what is developing is a bigger issue because at the beginning of the year the Committee asked the community to step up and come back to community service. Ms. Gatto said the Merchants stepped up, this independent group of citizens is stepping up, the historic people are interested in trying to figure out the Christmas lights and the Rotary is working on the Halloween Parade so there is an interest in community service to keep those traditional events going. She said a separate issue from this one that has to be decided is that Mr. Palmentieri and Mr. Pritchard as the special events liaisons need to come up with some kind of policy outlining or documenting what is isn't available for a non-profit and for-profit organization to keep the game fair for the different organizations.

Mr. Palmentieri said he thought the Committee already established that and the Merchants" Association already abided by it successfully. Ms. Gatto asked if there was a documented policy. Mr. Sasdelli said he thought that Mr. Palmentieri was referring to when the budget was adopted and it was decided that there were certain events that the Township wouldn't fund. He said Mr. Pritchard said the Township wasn't against them if somebody else wanted to sponsor them but the Township wasn't going to commit public funds and resources to them. He said they were tree lighting, Halloween Parade and Hometown celebration and if groups wanted to do them the Township would guide them through the process. Mr. Sasdelli said when Mr. Kurtz came in with a request he was told the Township wasn't the sponsor, the Association was, and they had to get the permits and insurance. Mr. Palmentieri said they did all of that very successfully in a relatively short period of time without any precedent to go by and the Township thanks and congratulates them for that. He said he thought the Committee already implemented the policy that was implied by the budget and had one event successfully conducted under the policy.

Ms. Gatto said she thinks the Committee has to leverage the lessons learned and not tell one organization to talk to another one because they did it right. She said she thinks the Township needs some kind of structure and leadership and the Committee has Special Events Liaisons to do that. Ms. Gatto said she thought the Committee saw this coming and that is why they restructured the liaisons that way.

Mr. Palmentieri said he thought the Committee could probably draw up a policy based on the experience with the first private sponsor of what used to be a municipal event that would be a model for everybody who wants to have private sponsorship of former Township events. He said he thought there would be about half-a-dozen such events throughout the year.

Mr. Silva said he would be concerned about who donations were being solicited from especially if any of the applicants were before any Township Boards. He said you have to be very careful where the donations come from. Mr. Palmentieri agreed with Mr. Silva. He said that is another reason why it is important that it be private sponsorship and not have the quasi-municipal involvement so that the perception of any impropriety isn't there. Mr. Silva said the Committee can't commit funds or services that weren't budgeted and he doesn't think it would be appropriate for the Committee to commit any of these numbers to next years' budget at this time.

Mayor Gaskill commented on it being \$457.00 for employees to do it off the clock as Ms. Gatto suggested and the group already said they are willing to pay for the insurance and everything like that. The Mayor said he thought

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the Committee had a responsibility to the citizens to continue the great tradition of the Township and Mays Landing and keep it going and for the small time to get the group going and next year they will be much better. He said he thought Mr. Kurtz would lend them a hand. Mayor Gaskill said if the Liaisons want to come up with a policy and say this is what it costs, he thinks the Township has to share in the costs and share the resources that all the taxpayers pay for. The Mayor said it will be a learning experience. He commented on hearing people say tonight that they stay here because it is a great town and said he hoped the time capsule will be opened next year around September 10<sup>th</sup> or 13<sup>th</sup>. Mayor Gaskill commented on the Township having 4 or 5 public events a year and said he thought it was a small price to pay to get these groups together to keep Hamilton Township what it is traditionally. The Mayor said Hamilton Township has many traditions that many places do not have. He said this Committee can't tell next years' Committee what they should budget but he thinks the ladies want guidance and that the Committee should give it to them.

Mr. Pritchard said he thought the costs were overstated because Buena Vista Township does fireworks for about \$6,000.00 and they have a tremendous show. He said adding that amount to the figures in Mr. Sasdelli's memo it still only comes to \$11,000.00

Mr. Silva said the Committee is talking about a structural deficit and he doesn't think they should agree to put out one penny whether it is involves Township services directly or not. He said tradition doesn't balance a budget. Mayor Gaskill said tradition means a lot and that is what makes a town a town instead of just a place to park your car. He said tradition is important to the Township. Mayor Gaskill said the Committee is talking about a \$25 million budget and there are citizen volunteering. He commented on the volunteer fire companies and rescue squad and said the Committee is arguing about giving citizens direction. Mayor Gaskill said he thought there was too much tunnel vision about the budget. Mr. Silva said he sees \$5,000. Mr. Pritchard said it would be raised by the group and wouldn't come out of the Township budget. He said they would pay all the expenses involved. Mr. Silva said they wouldn't incur a lot of those expenses if they would change the venue. He said there are other parts to the Township, Laureldale, Mizpah, Cologne, and it isn't just Mays Landing.

Ms. Gatto said they are waiting for direction from the Committee to make those decisions.

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

BE IT RESOLVED THAT the Township Committee fulfill a citizen's request with everything being paid for through extra duty time and the Township not putting out one (1) cent.

MOTION CARRIED WITH MEMBERS GATTO, PRITCHARD AND GASKILL VOTING "AYE", MEMBERS PALMENTIERI AND SILVA VOTING "NAY", NO "ABSTAIN"

COMMENTS AFTER THE VOTE: Mr. Palmentieri said he opposed it because the Committee hadn't had Mr. Sasdelli chime in on the impact and manpower issue. He said that he didn't want to place Mr. Sasdelli and his crew in a position where with maybe half a dozen events a year, if the Township assumed too big a roll in this with the cutbacks and reductions the Township already experienced, and he didn't want to put the Township under a personnel squeeze without hearing from the Administrator about it. Mr. Palmentieri said he would like Mr. Sasdelli, Mr. Pritchard and himself to work up a little thought into this, sketch it out and bring it back to the Township Committee. Mayor Gaskill said a motion was made and voted on already. He recommended Mr. Palmentieri and Mr. Pritchard get together and come back to the Township Committee with something they would like to see.

Mr. Silva said Ms. Gatto said it was volunteer time from the employees. Ms. Gatto said her motion was for it to be extra duty time which would be paid. The Mayor asked Mrs. Anderson to read the motion back. Mrs. Anderson said the gist of what Ms. Gatto wanted was to approve everything but do it as extra duty expenses so there would be no money from the Township. She said she would listen to the tape to see what the exact wording was. The Mayor said that is what was agreed to and suggested Mr. Palmentieri and Mr. Pritchard get as together and come

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back with some kind of proposal for a whole way the Township wants to handle celebrations in the future. Mr. Silva said he was concerned about the liability portion and there is a risk the Township doesn't want to assume. Mr. Palmentieri said they would consider the liability, manpower, mechanism to recoup the expense and various other commitments. Mayor Gaskill recommended they get together with John Kurtz, Rev. Ash and others that were involved in the different events. Ms. Gatto said the Committee has heard several times from many of the service organizations that would like a forum to come together to discuss and to learn from and help each other. She said she thought that should be part of the charge to Mr. Palmentieri and Mr. Pritchard.

Mr. Sasdelli clarified the resolution was that the Township is going to act as the contracting agent and sponsoring applicant for the permits; secure all necessary insurance certificates; 17 hours will be billed at time-and-a-half and will be done before or after the regular duty day to the extent possible. Ms. Gatto said she thought it should absolutely be extra duty and not done on their regular schedule. Mr. Sasdelli said the \$457.00 times 1½ would be roughly \$700.00.

Mr. Pritchard said some of it may not necessarily have to be done by Township employees. Mr. Sasdelli said if the Township is running the event he wants Township people doing it. Mr. Pritchard said the fireworks company has to do a lot of the permit work because they know what they are doing. Mr. Sasdelli agreed as far as the fireworks go but not putting up barricades etc.

Mr. Silva asked if all the members read and understood the memo from Mr. Sasdelli. They all said they did. Mr. Silva said he thought they are opening up a Pandora's box. He said they should remember what they did tonight when they get into their budget discussions in terms of the way they did it. Mr. Silva said it seemed contradictory when they vote one way for one thing and then change their minds and vote the other way for another.

Ms. Gatto said she wasn't changing her mind, she is waiting until she gets all the facts on every single vote.

Public Hearing/adoption Amendment to Ordinance #1654-2009

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

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

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

WHEREAS Township of Hamilton that the following amendment to Ordinance #1654-2009 was introduced and passed first reading on August 3, 2009 and was duly advertised in the August 5, 2009 issue of the Atlantic County record for a public hearing to be held on August 17, 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 the following amendment to Ordinance #1654-2009 be and is hereby adopted.

SECTION 4. 70-16 Rates of Compensation; administration 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"

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

WHEREAS Ordinance #1654-2009 was introduced and passed first reading on July 6, 2009 and duly advertised for a public hearing to be held on July 20, 2009; and

WHEREAS the public hearing on the Ordinance was held as advertised and closed; and

WHEREAS final passage was postponed pending an analysis of costs related to use of a patrol vehicle for effective performance of the extra-duty work; and

WHEREAS an amendment to Section 4.B was introduced and passed first reading on August 3, 2009 and duly advertised in the August 5, 2009 issue of the Atlantic County Record for a public hearing to be held on August 17, 2009; and

WHEREAS the public hearing on amendment to Section 4.B has been held as advertised and closed and the amendment was adopted,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1654-2009 be and is hereby adopted as amended.

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

TOWNSHIP OF HAMILTON  
ORDINANCE #1654-2009

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 70 OF THE CODE OF THE CODE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, ENTITLED "POLICE DEPARTMENT, EXTRA-DUTY EMPLOYMENT" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

**SECTION 1.** § 70-13 is hereby amended to read as follows:

**§ 70-13. Purpose.**

For the convenience of those persons and entities which utilize the services of extra-duty law enforcement officers of the Hamilton Police Department, and to authorize the outside employment of Township police while on extra-duty the Township hereby establishes a policy regarding the use of said officers.

- A. Members of the Police Department shall be permitted to accept police-related employment for private employers or school districts only during extra-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.
- B. Any person or entity wishing to employ extra-duty police shall first obtain approval of the Chief of Police, which shall be granted if, in the opinion of the Chief, such employment is not inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

**SECTION 2.** § 70-14 is hereby amended to read as follows:

**§ 70-14. Escrow accounts.**

- A. Any person or entity requesting the services of an extra-duty law enforcement officer in the Hamilton Township Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in § 70-16 for the total estimated hours of service.
- B. Prior to posting any request for services of extra-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting service is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for service from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any such services for more hours than are specified in the request for services.

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- C. In the event the funds in such an escrow account should become depleted, services of extra-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner described above.
- D. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

**SECTION 3.** § 70-15 Requests for services is hereby amended to read as follows:

**§ 70-15. Requests for services.**

- A. An extra-duty application and agreement must be signed and filed by the extra-duty employer who is requesting the services ten (10) working days prior to the start of the event / project. (Public Utilities are exempt from this requirement when performing emergency repairs.) All applications are subject to review by the Chief of Police in order to determine if the event / construction project is staffed according to departmental policy and according to work zone safety regulations. Applications require final approval by the Chief of Police or his/her designee.
- B. Prior to the performance of services by any Township law enforcement officer, the person or entity requesting such services shall indemnify and hold the Township harmless from and against any and all losses, claims, damages or expenses, including reasonable attorney fees, arising from the performance or police-related duties by such extra-duty township police officer on behalf of such entity. Such indemnity agreement shall be in a form acceptable to the Township Attorney.
- C. Prior to the performance of services by any Township law enforcement officer, the person or entity requiring such services shall provide the Township, with a certificate of insurance from a company authorized to do business in the State of New Jersey evidencing workers' compensation coverage, personal liability and comprehensive general liability with policy limits of not less than \$1,000,000 and property damage liability coverage with policy limits of not less than \$300,000. Such policies of insurance shall name the Township as an additional insured and shall remain in effect during the entire period that the officer is employed by the outside entity.

**SECTION 4.** § 70-16. Rates of compensation; administrative fee; payment for services is hereby amended to read as follows:

**§ 70-16. Rates of compensation; administrative fee; payment for services.**

- A. The hourly rate of compensation to the Township for contracting the services of extra-duty law enforcement officers is the sum of:
  - 1. The hourly rate of \$55.63 for the calendar year 2009, that rate increased in subsequent years by the annual percent increase in police officer salary authorized by Township Committee, and;
  - 2. An administrative fee to cover social security contribution, workers' compensation insurance, and other benefits and costs associated with the assignment of extra-duty police officers, calculated as an additional 14% of the hourly rate in Section A above.
- 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.

**SECTION 5.** Severability and Effectiveness Clause.

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

**SECTION 6.** Effective Date.

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

ATTEST: TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON, COUNTY OF  
ATLANTIC, STATE OF NEW JERSEY

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

\_\_\_\_\_  
Nelson Gaskill, Mayor

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

ORDINANCE #1654-2009 INTRODUCED AND PASSED FIRST READING JULY 6, 2009.  
 ORDINANCE #1654-2009 AMENDED AUGUST 3, 2009.  
 ORDINANCE #1654-2009 ADOPTED AS AMENDED AUGUST 17, 2009.

Introduction of Ordinances

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 Ordinance #1658-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 18, 2009 issue of the Atlantic County Record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ, at 6:30 PM on Tuesday, September 8, 2009.

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

TOWNSHIP OF HAMILTON  
 ORDINANCE # 1658-2009

AN ORDINANCE AMENDING CHAPTER 144 OF THE TOWNSHIP CODE TO PROVIDE FOR OR AMEND THE FEES FOR CERTAIN CONSTRUCTION PERMIT APPLICATIONS IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC.

**BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey that Chapter 144 of the Code of the Township of Hamilton, entitled Construction Codes, Uniform, shall be amended to read as follows:

SECTION I. Amend §144-3. A., Fees, as follows:

**§ 144-3. Fees.**

[Amended 3-19-1979 by Ord. No. 733-79; 4-19-1982 by Ord. No. 816-82; 2-5-1990 by Ord. No. 1018-90; 8-3-1992 by Ord. No. 1124-92; 12-19-1994 by Ord. No. 1187-94; 7-1-1996 by Ord. No. 1242-96; 8-19-1996 by Ord. No. 1249-96; 11-4-1996 by Ord. No. 1256-96; 2-19-1997 by Ord. No. 1262-97; 7-21-1997 by Ord. No. 1277-97; 5-3-1999 by Ord. No. 1335-99; 8-7-2000 by Ord. No. 1373-2000; 3-4-2002 by Ord. No. 1423-2002; 4-5-2004 by Ord. No. 1493-2004]

A. Plan review fee. The fee for plan review shall be 25% of the amount to be charged for a construction permit.

SECTION II. Amend §144-3. B, 1-3, Fees, as follows:

B. The basic construction fee shall be the sum of the parts computed on the basis of volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electric fixtures and the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates provided herein, plus any special fees.

(1) Building volume or cost. Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. Use groups and types of construction as used herein are classified and defined in Articles 3 and 4 of the Building Subcode. The minimum fee for any new construction shall be \$60.

(a) The fees for new construction are as follows:

Use Group	Fee
Use Groups No. 1	
A=Assembly	\$0.027 per cubic foot of structural volume
B=Business	
H=High hazard	
I=Institutional	

**Use Group**

**Fee**

E=Education  
R=Residential  
M=Mercantile

Use Groups No. 2

F=Factory  
S=Storage

\$0.015 per cubic foot of structural volume

U=Utility

Use Groups No. 3

Buildings and structures on commercial farms ("farms," as defined in the Uniform Construction Code)

A=Assembly  
F=Factory  
S=Storage

\$0.0010 per cubic foot of structural volume, up to \$1,200 maximum

Commercial farm building, as defined in N.J.A.C. 5:23-3.2(d)

No fee

(b) Renovations, alterations and repairs.

[1] Fees for renovations, alterations and repairs shall be based upon the estimated cost of the work at the following rates:

<b>Estimated Cost of Work</b>	<b>Rate</b>
\$1 to \$50,000	\$24 per \$1,000
\$51,000 to \$100,000	Additional fee of \$18 per \$1,000
Over \$100,000	Additional fee of \$15 per \$1,000

[2] For the purposes of determining the estimated cost, the applicant shall submit to the Department such cost data as may be available, produced by the architect or engineer of record or by a recognized estimating firm or by the contractor, and a bona fide contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.

(c) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(d) Fees for combined renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection [B\(1\)\(a\)](#) and [\(b\)](#) above.

(e) Sign fees. The fee for a permit to construct a sign shall be computed as the sum of the fees computed separately in accordance with Subsection [B\(1\)\(a\)](#) and [\(b\)](#) above.

(f) Cellular Communication Towers: \$125

(g) Retaining Walls

[1] > 550 sq. ft. – Class 3: \$150

[2] ≤ 550 sq. ft. – Class 3: \$75

[3] Other than Class 3: cost of construction

(h) Lead abatement.

[1] Permit, flat fee: \$140.

[2] Lead abatement clearance certificate: \$28.

(i) Demolition fees.

[1] All use groups, except R-3, R-4, R-5: \$150 flat fee.

[2] R-3, R-4, R-5, less than 5,000 square feet, 30 feet maximum height: \$75 flat fee.

(j) Prototype credit fee: 20% of original permit charge.

(k) DCA surcharge fee: new, as determined by Department of Community Affairs; alterations, as determined by Department of Community Affairs.

(l) Continuing certificate of occupancy fee: \$100.

(m) Change of use fee: \$100.

(n) Minimum fee: \$60.

(o) Variation application, in accordance with N.J.A.C. 5:23-2.10: \$45.

Class 1 \$60

Class 2 or higher \$120

(p) Minor asbestos abatement. Permit: flat fee of \$100 per building.

(q) Certificates of occupancy.

**Use Groups No. 1**

Residential only, flat fee \$40

**Use Groups No. 2 (flat fee)**

A=Assembly \$60

B=Business

H=High hazard

I=Institutional

E=Education

M=Mercantile

F=Factory

S=Storage

U=Utility

**Use Group No. 3**

Commercial farms, as defined in N.J.A.C. 5:23-3.2(d) No fee

(r) Renewal of temporary certificate of occupancy, flat fee: \$30.

(2) Plumbing fixtures and equipment. The fees shall be as follows:

<b>Use</b>	<b>Fee</b>
Including but not limited too: Water closet, urinal/bidet, bathtub, lavatory, shower, floor drain, sink, dishwasher, drinking fountain, washing machine, hose bibb, water heater, appliances connected to plumbing system or gas/oil piping system, condensate drain and stacks	\$10 per fixture, minimum of \$60
Including but not limited grease traps, oil seperators, refrigeration units, utility service connections, backflow preventors equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers) steam boilers, hot water boilers (excluding those for domestic hot water heating), active solar systems, SVRS, sewer pumps and interceptors. There shall be no inspection fee charged for gas service entrances.	\$65 per special device

(3) Electrical fixtures and devices.

(a) The fees shall be as follows:

[1] Receptacles, fixtures or devices:

<b>Quantity</b>	<b>Fee</b>
1 1 to 50	\$60
Each additional 25	\$15

August 17, 2009

[a] For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light standards eight feet or less in height, including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less, including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw).

[2] Pool permit/with UW lights:

[a] Permanent private pool: \$60. This includes any required bonding and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles and heaters, etc., excepting panelboards and underwater lighting fixtures. Private swimming pools, as defined in the Building Subcode, include a spa, hot tub or fountain.

[b] For public swimming pools, the fee shall be computed on the basis of number of electrical fixtures and rating of electrical devices involved, in accordance with Subsection [B\(3\)\(a\)](#) [1], [2], [10], [12] and [14].

[c] Each underwater lighting fixture: \$10.

[3] Storable pool/hydro massage tub: \$60.

[4] Electric range/oven/surface unit/receptacles: \$10.

<b>Kilowatts or Amperes</b>	<b>Fee</b>
1 to 16 kw	\$10
Over 16 kw	\$40

**Kilowatts or Amperes****Fee**

30 to 50 amp receptacles	\$80
Over 50 amp receptacles	\$200

[5] Electric water heater, Electric dryer/receptacles: Dishwashers: Space heater/air handler : Garbage disposals  
Central A/C units: Baseboard heat,

**Kilowatts / Horsepower****Fee**

1 to 10	\$10
Over 10 to 50	\$40
Over 50 to 100	\$80
Over 100	\$200

[12] Motors:

**Horsepower****Fee**

1 to 10	\$10
Over 10 to 50	\$40
Over 50 to 100	\$80
Over 100	\$200

[a] For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor device. There shall be no additional fee charged for the controllers, starters and disconnecting means.

[13] Transformers/generators:

**Kilowatts/Kilovolt-Amperes****Fee**

1 to 10	\$10
Over 10 to 45	\$40
Over 45 to 112.5	\$80
Over 112.5	\$200

[14] Services/subpanels/motor control centers, cell cabinets.

	<b>Amperes</b>	<b>Fee</b>
Up to 225		\$60
Over 225 to 1,000		\$100
Over 1,000		\$400

[a] For the purpose of computing this fee, each service equipment, panelboard, switchboard, switchgear, motor control center or disconnecting means shall be counted individually.

[b] For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panelboards shall be charged in accordance with the designated ampere rating of the overcurrent device. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

[c] For electrical work requiring replacement of service entrance conductors or feeder conductors only, the fee shall be based on the ampere rating of the overcurrent device of the service or feeder.

[d] For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic systems as follows:

<b>Kilowatts</b>	<b>Fee</b>
Up to 50	\$60
51 to 100	\$100
>100	\$200

[15] Sign/outline lighting:

[a] For each electric sign rated greater than 20 amps to 225 amps, including associated disconnecting means: \$60.

[16] Utility load management device: \$60.

[17] Site lighting:

[a] For each light standard greater than eight feet in height, including luminaries: \$20.

[18] Fire, burglar or security system:

[a] One- and two-family dwelling, flat fee: \$60.

This fee charged shall include the installation of single- or multiple-station smoke or heat detectors, and fire, burglar or security alarm systems.

[b] Fire, burglar or security system control unit: \$30.

[c] Other than one- or two-family dwelling: This fee charged for the installation of fire, burglar, security alarm systems and detectors shall be computed in accordance with Subsection [B\(3\)\(a\)\[1\]](#) and [19][a].

[19] Process equipment: This fee charged shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device in accordance with Subsection [B\(3\)\(a\)\[14\]](#).

[20] Annual public electrical pool, spa or hot-tub inspection: \$60 each.

[21] Temporary Electric Pole: \$60

[22] Photovoltaic Systems

1-50 kw	\$60
51-100 kw	\$100
>101 kw	\$200

**[Amended 3-5-2007 by Ord. No. 1587-2007]**

[23] Minimum fee: \$60.

(b) For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

(4) Fire protection and other hazardous equipment. For sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas- and oil-fired appliance systems, incinerators and crematoriums, the fees shall be as follows:

(a) Sprinkler heads, wet or dry/detectors (smoke, heat, fire, etc.). In computing fees for heads and detectors, the number of each shall be counted separately, and two fees, one for heads and one for detectors, shall be charged.

Number of Heads/Detectors	Fee
1 to 20	\$60
21 to 100	\$100
101 to 200	\$200
201 to 400	\$500
401 to 1,000	\$800
Over 1,000	\$1,000

(b) Pre-engineered systems, CO<sup>2</sup>, clean agent, halon, foam, dry or wet chemical: \$92 each.

(c) Stand pipes: \$229 each.

(d) Kitchen hood exhaust systems: \$60 each.

(e) Gas- and oil-fired appliances, other than heating systems: \$60 each.

(f) Incinerators, crematoriums: \$365 each.

(g) Woodstoves, fireplaces, inserts, space heaters: \$60 each.

(h) For single- and multiple-station smoke or heat detectors and fire alarm systems in any one- or two-family dwellings, there shall be a flat fee of \$60 per dwelling unit. For detectors and fire alarm systems in buildings other than one- or two-family dwellings, the fee shall be in accordance with § [144-3B\(4\)\(b\)](#).

(i) Compliance Assurance Inspections (CAI): \$60 minimum

(5) Elevators. The fee for elevator registration, installation and inspection shall be in accordance with the Department of Community Affairs Fee Schedule.

(6) Installation of Underground Storage tanks

Residential: \$60

Commercial: \$120

(7) Mechanical permit.

(a) For all heat conversions in existing residential dwellings only: minimum fee, \$80 [gas to gas (F); electricity to gas (F, P, B); oil to oil (F); oil to gas (F, P); electricity to oil (F, P, B)]

(b) For all heat conversions in existing commercial dwellings, including rooftop units: \$160

(c) A mechanical permit assistance sheet as well as the appropriate subcode application must be filled out and a copy of a brochure or specifications for the new system and, when required, a duct work diagram or chimney certification.

(8) Temporary structures.

(a) Tents: \$300, which shall include plumbing, electrical, fire and building permits. It does not include any fees required by any other governmental authority.

(9) Periodic inspections. Fees for the periodic departmental reinspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:

(a) For cross connections and backflow preventers that are subject to testing and required reinspections every 12 months, the fee shall be \$60 for each device when they are tested annually.

(10) Annual permits.

(a) The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clerical workers shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing. Fees shall be as follows:

[1] One to 25 workers (including foreman): \$667 per worker; each additional worker over 25: \$232 per worker.

(b) Prior to the issuance of the annual permit, a training registration fee of \$140 per subcode shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section, along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey."

(11) Renewal of lapsed construction permit. The fee to renew a lapsed construction permit shall be 75% of the original permit fee.

(12) Final computation. All fees shall be rounded to the nearest dollar.

(13) Exemptions.

(a) All government owned and operated structures, whether federal, state or local, shall be exempt from all local permit fees (except as provided by N.J.S.A. 52:27D-126c). All fees required to be remitted to payees other than the Township of Hamilton, including surcharge fees and contracted services, shall be charged and collected.

(b) A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his own living unit.

(14) Aboveground pools: flat fee of \$100.

(15) In-ground pools (Building Subcode only):

>550 sq. ft. - \$150

<=550 sq. ft. - \$100

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"

ORDINANCE #1658-2009 INTRODUCED AND PASSED FIRST READING AUGUST 17, 2009.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1659-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 18, 2009 issue of the Atlantic County Record for a public hearing thereon to be held in the municipal building, Mays Landing, NJ at 6:30 PM on Tuesday, September 8, 2009.

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

**ORDINANCE #1659-2009  
AN ORDINANCE AMENDING CHAPTER 170 OF THE TOWNSHIP CODE  
TO PROVIDE FOR OR AMEND THE ADMINISTRATIVE FEES FOR CERTAIN PERMIT  
APPLICATIONS TO THE FIRE PREVENTION OFFICE OF THE TOWNSHIP OF HAMILTON, COUNTY OF  
ATLANTIC AND TO REPEAL ORDINANCE #254, SMOKE DETECTOR SYSTEMS AND ORDINANCE #285,  
TRUSS EMBLEMS**

**BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey that Article II of Chapter 170 of the Code of the Township of Hamilton, entitled Fire Prevention, shall be amended to read as follows:

**SECTION I.** Amend § 170-9. Registration fees for non-life-hazard uses, as follows:

A. The fee for the first and one reinspection (if needed) conducted at the same location listed on the application form shall be assessed according to the table below.

Any inspections conducted at this same location, after the initial inspection and subsequent reinspection shall be assessed at least the same inspection fee for each reinspection visit. The additional charge will be paid in full before the reinspection is scheduled.

**[Amended 11-7-2005 by Ord. No. 1547-2005]**

(1) Commercial and professional uses (B, I, A, E, M).

<b>Dimensions (square feet)</b>	<b>Fee</b>
3,000 and under	\$75.00
3,001 to 6,000	\$90.00
6,001 to 9,000	\$100.00
9,001 to 11,999	\$115.00
12,000 to 13,500	\$130.00

(2) Industrial and utility uses (F, U, H).

<b>Dimensions (square feet)</b>	<b>Fee</b>
3,000 and under	\$65.00
3,001 to 6,000	\$115.00
6,001 to 9,000	\$165.00
9,001 to 11,999	\$215.00
12,000 to 13,500	\$265.00

(3) Warehousing uses (S).

<b>Dimensions (square feet)</b>	<b>Fee</b>
3,000 and under	\$65.00
3,001 to 6,000	\$115.00
6,001 to 9,000	\$165.00
9,001 to 11,999	\$215.00
12,000 to 13,500	\$265.00

B. Non-life-hazard uses that are not classified under one of the above use groups, but which are subject to registration and inspection under the Uniform Fire Code, shall be classified as a commercial use for the purpose of imposing a registration fee.

C. Vacant buildings shall be charged a registration fee consistent with the use and square footage outlined on the Non-Life-Hazard fee listing.

D. The applicable non-life-hazard uses, as registered within the Township, will be inspected on an annual revolving schedule.

E. Failure to return the completed registration form or pay the registration/inspection fee within 30 days of receipt of same may be subject to a monetary penalty which shall be a maximum of triple the amount of the applicable registration/inspection fee.

**SECTION II.** Amend § 170-14. Permit, inspection and application fees, as follows:

A. All permit fees shall be as specified in the New Jersey Uniform Fire Code, the applicable provisions of which are incorporated herein by this reference as if set forth in full.

(1) Type I, Type II, Type III, Type IV, Type V permits are required for certain activities as regulated by the New Jersey Uniform Fire Code. The fees for these permits must be collected before a permit can be issued. The Township Committee gives the authority to the Fire Official to waive the permit fees if the following criteria are met:

(a) All requests must be submitted with the Township permit application form no less than 15 days prior to the event.

(b) All requests for waivers for events to benefit a nonprofit organization or charity must include a letter, to the Fire Official, from the nonprofit/charitable organization, on its official stationery, verifying that they are a bona fide nonprofit/charitable organization [501(c)(3)] *Editor's Note: See Internal Revenue Service regulations.* ) and that the event is being held with its knowledge and for its financial benefit.

B. Motels, hotels and smoke detectors.

(1) Motels and hotels (R-2, R-1) not covered by life hazard use regulations shall be subject to the following inspection fee schedule:

(a) Fees for inspection are based on number of units as follows:

<b>Number of Units</b>	<b>Fee</b>
3-6	\$120
7-12	\$240
13-20	\$360
Over 20	\$600

(b) Common area fire protection systems, flat fee: \$75 per building.

**SECTION III.** Repeal Ordinance § 254 entitled Smoke Detector Systems and Ordinance § 285 entitled Truss Emblems

SECTION IV. Add Article II, Sections §170-17 through §170-21 as follows:

Article III. SMOKE DETECTOR SYSTEMS

**§ 170-17. Compliance required.**

Before any dwelling unit, located within the Township of Hamilton is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector compliance (CSDC), evidencing compliance with N.J.A.C. 5:70-4.19, from the Bureau of Fire Prevention in the Township of Hamilton.

**§ 170-18. Notification; fee(s) for inspection and reinspections.**

A. Within 10 working days from the receipt of a fully completed application to the Bureau of Fire Prevention, an inspection will be conducted. The fee for the first and one reinspection (if needed) conducted at the same location listed on the application form shall be \$50. Any inspections conducted at this same location, after the initial inspection and subsequent reinspection, shall be assessed \$50 for each additional inspection visit. The additional charge will be paid in full before the reinspection is scheduled.

B. Inspections ordered that do not meet the ten-working-day advanced application notice will be charged a total of \$135 for two inspections. Inspections in this case will be completed within three working days of receipt of a fully approved, completed application. If subsequent inspections are required, an additional \$50 per inspection will be charged.

[Amended 7-7-2003 by Ord. No. 1466-2003; 11-21-2005 by Ord. No. 1549-2005]

**§ 170-19. Certificate of compliance.**

The Fire Official and/or appointed Fire Inspectors are authorized to issue a certificate of smoke detector compliance (CSDC) with the Smoke Detector Amendment. *Editor's Note: See N.J.S.A. 52:27D-198.1 et seq.* In lieu of an on-site inspection, the Township Bureau of Fire Prevention may issue a compliance certificate after receiving a notarized certification of smoke detector compliance form, supplied by the Bureau of Fire Prevention. It will be at the discretion of the Bureau as to whether these notarized affidavits will be accepted.

**§ 170-20. Enforcement.**

The Fire Official and/or appointed Fire Inspector shall be authorized to enforce this chapter by and pursuant to the terms and provisions of the Uniform Fire Safety Act, N.J.S.A. 52-27D-192 et seq.

**§ 170-21. Violations and penalties.**

[Amended 9-4-2007 by Ord. No. 1602-2007]

A. If, upon inspection by the Fire Official and/or appointed Fire Inspector, the property is found to be in noncompliance with N.J.A.C. 5:70-2.3, a monetary penalty of \$300 shall be assessed and paid prior to the issuance of the certificate of smoke detector compliance (CSDC). Said penalty shall be in addition to any inspection fees as permitted under § [170-18](#).

B. Violations shall include occupancy of the property by a renter, tenant or homeowner prior to the issuance of a certificate of smoke detector compliance by the Bureau of Fire Prevention, and the \$300 fine shall apply to all such violations.

SECTION V. Repeal Ordinance § 28 entitled Truss Emblems

SECTION VI. Add Article IV, Sections §170-22 through §170-23 as follows:

**ARTICLE IV. TRUSS EMBLEMS**

**§ 170-22. Availability to community; cost.**

In accordance with the terms and provisions of P.L. 1991, c. 188, approved July 2, 1991, and effective January 6, 1992, *Editor's Note: See N.J.S.A. 52:27D-198.4.* the Fire Marshall for the Township of Hamilton shall have available truss emblems in the form approved under the Uniform Fire Safety Act *Editor's Note: See N.J.S.A. 52:27D-192 et seq.* and issued through the Department of Community Affairs. The aforesaid truss emblems shall be available for sale to the members of the community at an amount of money to be established by the Fire Official, not to exceed the sum of \$10 per emblem.

**§ 170-23. Enforcement.**

The terms and provisions of this chapter shall be enforced in accordance with the enforcement procedures set forth in N.J.S.A. 52:27D-192 et seq.

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"

**ORDINANCE #1659-2009 INTRODUCED AND PASSED FIRST READING AUGUST 17, 2009.**

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1660-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 18, 2009 issue of the Atlantic County Record for a public hearing to be held thereon in the municipal building, Mays Landing, NJ at 6:30 PM on Tuesday, September 8, 2009.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE NO.: 1660- 2009**

**AMENDING ORDINANCE NO. 1419-2001 AS CODIFIED IN CHAPTER 13, SECTION 13-1, PROVIDING FOR "PAYMENT OF CLAIMS PROCEDURES" AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.**

**WHEREAS**, it is the purpose of this amendment is to improve internal controls and oversight of the expenditure of public funds by establishing four (4) levels of approval prior to Township funds being expended;

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

**SECTION 1. Section 13-1 of Chapter 13 of the Code of Hamilton Township shall be and is hereby amended to read as follows.**

**SECTION 13-1B**, is hereby amended to read:

B. The Township will maintain three (3) levels of approval to ensure proper internal controls and accountability for all purchases under the state bid threshold (set by N.J.S.A. 40A:11-1 et. seq.). Level One will be approval by the Department Head; second approval will be by the Chief Financial Officer (CFO) or Purchasing Agent to ensure compliance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.), ensure sufficient funds are available and all other applicable Township policies and procedures are met. The third and final approval for all purchase below the state bid threshold shall be the township Administrator (or his designee). Upon receiving (third) approval, the Purchasing Agent will prepare a purchase order, encumber the funds and deduct same from the available balance of the appropriate item.

All purchases above the state bid threshold shall be approved by the Governing Body by resolution.

**SECTION 13-1C**, is hereby amended to read:

C. The Purchasing Agent shall sign the purchase order and return it to the department head for distribution as follows. A copy will be forwarded to the vendor which shall be signed and returned by the vendor with an invoice requesting payment from the Township.

**SECTION 13-1E**, is hereby amended to read:

E. On the first and third Monday of each month, a bill list shall be presented to the Township Committee for final approval. The Chief Financial Officer shall issue payment in the form of a check, which requires two signatures: the Township Clerk and Chief Financial Officer.

**SECTION 2. Severability and Effectiveness Clause.**

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

**SECTION 3. Effective Date.**

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

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

ORDINANCE #1660-2009 INTRODUCED AND PASSED FIRST READING AUGUST 17, 2009.

CONTIGUOUS OWNER LAND SALES - ORDINANCE #1653-2009

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 bid of \$3,750.00 submitted by Herman Zell/Zell Enterprises, LLC, for purchase of Lot 12.02 in Block 534 under terms and provisions of Ordinance #1653-2009, be and is hereby accepted and Lot 12.02 in Block 534 be sold to them.

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 bid of \$5,100.00 submitted by Cheryl A. Summonte/CJ Financial Associates, LTD, for purchase of Lot 23 in Block 666 under terms and provisions of Ordinance #1653-2009, be and is hereby accepted and Lot 23 in Block 534 be sold to them.

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

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

WHEREAS all contiguous owner to Lot 2 in Block 1119 were notified of their right to prior refusal to purchase said land under terms and provisions of Ordinance #1653-2009 and no bids were received,

NOW, THEREFORE, BE IT RESOLVED that Lot 2 in Block 1119 be offered for public sale at a date and time to be determined by the Administrator and Township Clerk.

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 following Business Registration Licenses are hereby approved:

- 1) Perfect Balance - gymnastics school
- 2) Atlantic Wireless - cell phones and accessories retail store in Hamilton Mall

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 American Southern Insurance Companies bond #8822 017682 61587, the performance guarantee for Atlantic Fuels, Ind., project on Block 801, Lot 6, is hereby authorized to be released contingent upon Atlantic Fuels posting a 2-year maintenance bond in the amount of \$27,901.50 as recommended by Daniel J. DePasquale, Township Engineer, in letter dated July 30, 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 authorization is hereby given to advertise for and receive of sealed bid proposals at 10:00 AM on September 1, 2009 for one (1) new, demo or slightly used 3-4 yard dump truck with attachments pursuant to bid specifications #2009-05, funding for same to be appropriated from the 2009 Capital Ordinance.

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 DETERMINING THE FORM AND OTHER  
DETAILS OF NOT TO EXCEED \$5,250,000 REFUNDING BONDS  
OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF  
ATLANTIC, NEW JERSEY AND PROVIDING FOR THE SALE  
AND THE DELIVERY OF SUCH BONDS.**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE 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 Committee of the Township of Hamilton, in the County of Atlantic (the "Township") hereby authorizes the sale of an amount not to exceed \$5,250,000 Refunding Bonds

(the “Bonds”) of the Township by virtue of its final adoption on August 3, 2009, by two-thirds of a majority of its full membership, of a bond ordinance entitled, "Refunding Bond Ordinance of the Township of Hamilton, in the County of Atlantic, New Jersey, Providing for the Refunding of all or a

August 17, 2009

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.” The Bonds shall be issued as a single issue of Refunding Bonds.

Section 2. The Bonds are hereby authorized to be sold to RBC Capital Markets (the “Underwriter”) pursuant to a bond purchase contract between the Underwriter and the Township (the “Purchase Contract”). The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or the Chief Financial Officer are hereby authorized to enter into the Purchase Contract on behalf of the Township with the Underwriter for the sale of the Bonds in a form and upon terms satisfactory to McManimon & Scotland, L.L.C., the Township’s Bond Counsel (“Bond Counsel”), and upon the terms and provisions of this resolution and otherwise in accordance with the terms provided in the approval of the Local Finance Board dated August 12, 2009. The signature of the Mayor and/or the Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur cost savings by prepaying all or a portion of the callable 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, which 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 4. The Bonds shall be issued in accordance with the terms and conditions set forth in the Purchase Contract within the parameters set forth below:

(A) The Bonds shall be issued in a par amount determined by the Chief Financial Officer to be necessary to pay costs of issuance and will be sufficient to provide for the payment of the redemption price of and interest on the Refunded Bonds on the Redemption Date and in accordance with Local Finance Board approval.

(B) The Bonds shall be dated as set forth in the Purchase Contract

(C) The Bonds shall mature in the principal amounts on October 1 of each year, commencing on or about October 1, 2010 and thereafter as set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each April 1 and October 1 until maturity, commencing on or about April 1, 2010.

(D) The Bonds shall be issued as serial bonds or term bonds as determined in the Purchase Contract. The Bonds shall be issued in the form of one bond for each maturity. The Bonds shall be numbered consecutively from R-1 upward and shall mature or be subject to mandatory sinking fund redemption in each year as determined in the Purchase Contract;

(E) The Bonds may or may not be subject to optional redemption at redemption prices as set forth in the Purchase Contract;

(F) Any term bonds shall be subject to mandatory sinking fund redemption at par in the years and in the principal amounts determined by the Mayor and/or Chief Financial Officer and as set forth in the Purchase Contract;

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

(H) The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the in the Purchase Contract (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Township (or facsimile thereon) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to conform the Bond with the requirements of the Purchase Contract:

REGISTERED No.		REGISTERED \$	
	UNITED STATES OF AMERICA STATE OF NEW JERSEY COUNTY OF ATLANTIC		
	TOWNSHIP OF HAMILTON		
	REFUNDING BOND		
DATE OF ORIGINAL ISSUE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/09	10/1/___	_____ %	_____

TOWNSHIP OF HAMILTON, a municipal corporation of the State of New Jersey, situate in the County of Atlantic, hereby acknowledges itself indebted and for value received promises to pay to Cede & Co, as nominee of The Depository Trust Company which will act as Security Depository on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_), and to pay interest on such sum from the Date of Original Issue stated above at the Rate of Interest Per Annum specified above semiannually on the first day of April and October in each year until maturity [or earlier redemption], commencing April 1, 2010. Principal of and interest on this bond will be paid to the Security Depository by the Township and will be credited to the participants of the Depository Trust Company as listed on the records of the Depository Trust Company as of March 15 and September 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of the Depository Trust Company.

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

[The bonds of this issue maturing on or after October 1, \_\_\_\_\_ shall not be subject to optional redemption prior to maturity. The bonds maturing on or after October 1, \_\_\_\_, are subject to redemption, at the option of the Township, in whole or in part, on any date on or after October 1, \_\_\_\_\_, upon notice as required herein, at par, plus in each case unpaid accrued interest to the date fixed for redemption.]

[Term Bond Redemption, if any]

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, the Notice of Redemption shall be sent to such Securities Depository and shall not be sent to the beneficial owners of the bonds. Any failure of the

depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If Notice of Redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey and a refunding bond ordinance of the Township of Hamilton, finally adopted August 3, 2009 and entitled, "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."

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

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

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

TOWNSHIP OF HAMILTON

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Chief Financial Officer

[SEAL]

ATTEST:

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

Section 6. The Bonds shall have printed thereon or affixed thereto a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon & Scotland, L.L.C., complete except for omission of its date. The law firm of McManimon & Scotland, L.L.C. is authorized to arrange for the printing or preparation of the Bonds. The proper officials of the Township are hereby authorized and directed to execute the Bonds and to deliver them to the purchaser upon receipt of payment therefor.

Section 7. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make arrangements with The Depository Trust Company, New York, New York, as may be necessary to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 9. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Township authorizes the Chief Financial Officer to act and determine on behalf of the Township whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 10. The Township hereby approves the preparation and the distribution of the Preliminary Official Statement on behalf of the Township in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Mayor or the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Mayor and/or the Chief Financial Officer of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

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

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2009, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) the Township's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) if any of the following material events occur regarding the Bonds, a timely notice sent to EMMA:

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

(c) Notice of failure of the Township of Hamilton to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

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

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

(F) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 12. The Chief Financial Officer, with the advice of the Township's Bond Counsel, shall arrange for bond insurance to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Township to do so.

Section 13. The Chief Financial Officer, with the advice of the Township Bond Counsel, shall arrange for paying agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 14. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the bonds, based upon the recommendation of the Township's Auditor and Bond Counsel to pay such costs.

Section 15. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Date at the required redemption price, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. The Underwriter and or Bond Counsel on behalf of the Township is authorized to reserve and purchase United State Treasury—State and Local Government Series (SLGs) for deposit with the escrow agent. All of the principal amount and interest earnings on the SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Refunded Bonds on the Redemption Date. The Chief Financial Officer is hereby authorized to accept proposals for escrow agent services and to enter into an Escrow Deposit Agreement with an escrow agent in order to provide instructions regarding the deposit of securities purchased with the Bond proceeds and cash, if any, into an escrow account in order to prepay the principal on, interest of, and redemption premium, if any, on the Refunded Bonds on the optional redemption date.

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Section 16. The Township hereby appoints the firm of Causey, Demgen & Moore, Denver, Co, as verification agent to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Dates; and (ii) the calculations of yield supporting the conclusion of bond counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

Section 17. The Mayor, the Chief Financial Officer, the Clerk and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township and taking all steps necessary or desirable to implement this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 18. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:	GATTO	NAYES:	NONE
	PALMENTIERI		
	PRITCHARD		
	SILVA		
	GASKILL		

RESOLUTION ADOPTED AUGUST 17, 2009.

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 Rotary Club of Mays Landing be and is hereby granted permission to hold a coin drop on Atlantic Avenue only at its intersection with Mays Landing Somers Point Road from 8-11 AM on September 12 and 13, 2009 from 8-11 AM.

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 objection to the County of Atlantic approving and/or issuing a permit to the Rotary Club of Mays Landing for a coin drop to be held on Somers Point-Mays Landing Road at its intersection with Atlantic Avenue from 8-11 AM on September 12 and 13, 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

WHEREAS, there is a need to retain professional grant writing services; and

WHEREAS, the Township of Hamilton Police Department seeks to file a grant application for a recording project; and

WHEREAS, the Township of Hamilton Governing Body is satisfied with the terms of the proposed project,

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

1. Kova Corp., or their assignee, is authorized to file a grant application for the specified project on behalf of the Township of Hamilton, at no cost to the Township of Hamilton, Atlantic County; and,
2. That, once awarded, the available grant funds will be used to pay Kova Corp. for the goods and services provided to the Township of Hamilton, utilizing the New Jersey State Contract for such procurement; and
3. The Township of Hamilton Administrator is authorized to execute an agreement with Kova Corp. where Kova Corp. agrees to provide the grant application process at no fee to the Township of Hamilton and the Township of Hamilton agrees to procure those goods and services from Kova Corp. only after the grant award has been made; grant funds will be awarded to the Township of Hamilton who will in turn forward payment to Kova Corp.; and
4. If total grant funding for the project is not approved, the Township of Hamilton, Atlantic County, shall be under no obligation for any cost for any services provided by Kova Corp. in any way connected to this grant opportunity; and
5. That a certified copy of this Resolution shall be provided to Kova Corp.

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 HVAC contract with Carrier Corporation be and is hereby extended on a month to month basis for the months of June, July and August 2009 at the rate of \$3,988.63 per month.

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

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

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

WHEREAS, rehabilitation is a process which can be used by local government to prevent further deterioration of an area and promote overall development in the community; and

WHEREAS, the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) provides municipalities with the authority to designate areas in need of rehabilitation based on the criteria set forth in Section 14 of that statute; and

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

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

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

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

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

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

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

RESOLUTION ADOPTED WITH MEMBERS PALMENTIERI, PRITCHARD, SILVA AND GASKILL VOTING "AYE", NO "NAY", MS. GATTO "ABSTAIN"

DISCUSSION RE: COIN DROPS:

Mr. Palmentieri said he didn't have a problem with the people conducting the coin drops but he had comments on coin drops for the Committee's consideration. He commented on living in and using the area of the jughandle and associated intersections where many coin drops are held. Mr. Palmentieri commented on traffic being backed up in the jughandle onto the highway and other places because of groups using cones that motorists take as meaning both lanes can't be used. He asked if the Township could prohibit the use of cones on the broken lines as a matter of policy so both lanes can be used and traffic isn't backed up.

Mayor Gaskill asked Chief McKeen if he met with the applicants when they applied. The Chief said he reviews the applications for safety but doesn't meet with them.

Mr. Palmentieri commented on seeing a number of them where there is only 1 sign on 1 road when they are really collecting in 4 directions. He said he thought that the group doing the collection had to be identified in whatever direction the traffic is hitting them. The Chief will look into it.

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

BE IT RESOLVED that the Township of Hamilton has no objections to the NJDOT approving and/or issuing a permit to the Mays Landing Muck Dogs Baseball Club for a coin drop to be held at the Wrangleboro Road/Route 322 jughandle on Sunday, September 20, 2009.

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

Comments regarding Rotary coin drops on Atlantic Avenue and Somers Point-Mays Landing Road approval made following adoption of foregoing resolution

Mr. Pritchard said that even though it was already voted on and approved, he was concerned about the coin drop on Mays Landing Somers Point Road especially with comments made by Mr. Pucci regarding right-on-red there. He said people really don't stop there. Mrs. Anderson explained that the coin drop approved for Atlantic Avenue can only be on Atlantic Avenue and they cannot be on Somers Point Road or across the road by Good Guys. She explained Somers Point Road is a County Road and the Township Committee isn't giving the Rotary permission for anything on that road. Mrs. Anderson explained they have to go to the County for permission to be on the Somers Point Road side. She said chances are that they won't get permission to be on Somers Point Road at all because the County restricts their approvals only to fire and rescue squads. Mr. Pritchard said that on their drawing it looked like they were going to be on both sides. Mrs. Anderson repeated her explanation about the Committee only being able to approve a coin drop on Atlantic Avenue and that the group has to go to the County for approval to use of any part of Somers Point Road. Ms. Gatto said the second resolution was one of no objection and was for the organization to go to the County for their permission. Mayor Gaskill asked Mr. Sasdelli to let the organization know tomorrow that they were approved for Atlantic Avenue only and that they have to go to the County for approval to use Somers Point Road. Mr. Sasdelli said it is normal procedure to let them know that but he will expedite it. He explained the County won't approve a coin drop on a county road in any town unless they okays it and they want the township to say it has no objection before they will make a decision.

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

BE IT RESOLVED that the Mayor, Township Administrator and Chief of Police are hereby authorized to execute an agreement with the Atlantic County Vocational School District to provide one School Resource Officer (SRO) in accordance with terms and conditions set forth in the agreement on file in the Township Clerk's Office which is incorporated herein by reference and as if set forth in full.

RESOLUTION ADOPTED WITH MEMBERS GATTO, PALMENTIERI, SILVA AND GASKILL VOTING "AYE", NO "NAY", MR. PRITCHARD "ABSTAIN".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved bills are hereby ordered paid, the bill list total being \$4,506,410.27 as of August 13, 2009.

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

Reports

Administrator: None

Solicitor: None

Mr. Walberg reported the list of streets and costs has been prepared and submitted to the Administrator. Mr. Sasdelli explained a recommendation will be made after it is reviewed.

Mr. Pritchard commended the Public Works people for the job they during the heavy rain and flooding situation last week, particularly Brett Knoll the Division Chief in charge of stormwater.

Ms. Gatto commented on frequent questions about rehabilitation and redevelopment projects and requested that the Committee have status updates on those projects every 2 months to keep the public informed.

August 17, 2009

Ms. Gatto said she was sorry Mrs. Capone left because slide 24 on the budget presentation she missed showed the Committee is talking to the unions regarding some of the concessions Mrs. Capone discussed. She said it is on the table and that is why the Committee is continuing to discuss through the next couple of weeks.

Mr. Silva requested an update on the reval at the next meeting. Mr. Sasdelli said he was asked to have it on the agenda but it was pushed off because of the other issues that came up.

#### Public Comment

Cheryl Fetty asked if the Township has Code Enforcement Officers and who enforces the Property Maintenance, Occupancy, and junk automobile Ordinances. She asked. Mr. Sasdelli explained there is a Code Enforcement Officer position included in the salary ordinance but it was not filled because of the hiring freeze. Mr. Sasdelli said the Police do some enforcement and an in employee in Public Works does some as additional duties but that isn't near enough to cover all the violations there are in town. Mrs. Fetty commented on over-occupancy happening throughout the township and said it affects everyone because there is more trash and more children in schools when that happens. She said having a Code Enforcement Officer it might be a benefit and it might pay their salary plus because they would find more violations. Mrs. Fetty said all of the Members saw the trash on her street one day and the trash men came at 6 a.m on Friday morning and cleaned out that front yard. She said she was mad about that because she didn't think she and the taxpayers should have to pay for it. She said she thinks the property owner should pay for it and be held responsible somewhere along the line. Mrs. Fetty said she knows the police talked the owner and when she and her neighbor talked to the owner they were told to sell their houses and move if they didn't like it. Mayor Gaskill asked that the Ordinances be researched to see if a lien can be placed on the homes when the township has to clean it up or if the owner is fined through the court. Mrs. Fetty said this is an ongoing thing.

Mrs. Fetty said that she was concerned about holiday lights in the park as a member of the Historic Preservation Commission and that Mr. Sasdelli got a letter from the Commission Secretary about it. She said people and businesses have volunteered to do a tree because they don't want the park to be dark. Mrs. Fetty said she understood that some Public Works employees volunteered to do it on their own time. She said the Commission gets the hot chocolate and cookies free but they can't accept money donations and asked how they could do it if they get volunteers. She said she is concerned about the liability insurance. Mr. Sasdelli explained the park will be decorated but funding for the tree lighting ceremony was eliminated. He said whatever decorations the Township still owns and has will be put up. Mr. Sasdelli said you can't send a letter today and expect an answer 12 hours later. He said he has to look at all the details and he can tell exactly what the money and time was spent on. He said there was overtime, things were purchased, a bucket truck had to be rented and he can give Mrs. Fetty a very detailed account of what it was for. Mrs. Fetty said they have already been told they will get the bucket truck for nothing if the Commission can work it out. Mr. Sasdelli said he will do whatever the governing body wants. Mrs. Fetty said the Commission would set up the tables and clean up afterward. Ms. Gatto said the February 2 budget workshop presentation shows holiday decorations \$8,000.00. Mr. Sasdelli explained that was for replacement of wreaths on and banners that go on telephone poles. He said one-third of them have to be replaced every year.

Harry Rogers commented on the Committee concentrating on a single interest group at the start of the meeting and said that over the years he has watched a lot of groups come before the governing body and line the meeting room. He said they all had one thing in common, they left when their issue was done and it has become so common place and matter of fact that the Mayor automatically called for a break tonight so those people could leave. Mr. Rogers said the one thing different groups who came to make their presentation or demands had in common was "don't tax me, tax the other guy". He said no one wants to take their share of the pain brought on by the reckless spending over the past decade. Mr. Rogers said Mr. Palmentieri lamented tonight about only being able to raise taxes a certain amount. He

said it may only be 4% but it is guaranteed taxes will go up the maximum next year. Mr. Rogers said every group that comes asks that their part not be cut and leaves after they are done. He said the Committee has a responsibility to look at the whole picture and he thinks they did a really good job this year of trying to do that. Mr. Rogers said one group had to bear a disproportionate part of the burden last year because the Committee wouldn't even look at or touch 65% of the expenditures, a sacred cow off to the side. He said he wasn't advocating cutting the senior center and nobody is going to do that. Mr. Rogers said every group that takes from the public pool has to realize the Township is in trouble as an entity. He said groups will continually come in, make a lot of noise and then walk out unless some type of understanding is reached as to the responsibility and burdens. Mr. Rogers said the room was packed at the start of the meeting and only 11 people were still here now. He urged the Committee to look at everything during the upcoming budget deliberations and said everything should be done proportionately.

John Kurtz commented on enjoying being in business on the corner of Pennington Avenue for 11 years without problems but he is having problems now with things missing and being destroyed. He commented on calling the police about an activity going on at a residence a couple of doors in back of them, the police came and the next morning his wife's new car was vandalized. Mr. Kurtz said there are things going on at that property that need to be looked at a little closer. Mr. Kurtz said he thinks the Township has to take a close look at the person who actually owns it and to having the owner take responsibility for it including cleaning it up. He said the owner has more than one property in the township. He said he knows for a fact people come to that house with suitcases every weekend and the person living there rents out mattress spaces on the floor to them for extra money. Mr. Kurtz said the owner's attitude is that he is getting his rent check.

Mr. Kurtz said he appreciates all the thoughts about community activities and events. He said he has been president of the Merchants' Association for 6 or 7 years and he thinks they have come a long way with working out things with the Township. Mr. Kurtz said the result was an extremely successful Hometown Celebration because everybody got together and worked. He said he thinks that is the kind of thing that has to be done to make a combined type event of all the different functions. Mr. Kurtz commented on Mr. Sasdelli saying the Township doesn't want private groups putting out barricades on the streets and said it those kinds of points were discussed in a group as the Merchants did they know they can get barricades from Public Works. He said the merchants provided the truck and manpower to get them out and Public Works did an excellent job of coordinating it. Mr. Kurtz said they also sat down with the Police Department and got a list of where the barricades had to go. He said he believes that functions like fireworks and expanding the big celebration can be done with that kind of communications and without costing the Township any money. Ms. Gatto said that was a great point.

Rich DeFeo said a man who lives in Philadelphia cut down trees at 553 Lake Drive 2-3 weeks ago and there is a 7-8 foot high pile right on the street. He said it needs to be cleaned up. Mr. Sasdelli said that from what Mr. DeFeo said that isn't the kind of vegetative waste the Township picks up but there may be other things the Township can do and that he would have somebody look at,

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

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

Mr. Pritchard moved, seconded by Mr. Palmentieri, that this meeting be adjourned.

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

ATTEST:

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