

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 5, 2009

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

The meeting opened with the salute to the flag followed by the Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by faxing or e-mailing copies of said notice, along with the agenda for this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place in the municipal building, Mays Landing, NJ at 6:30 P.M. on Monday, October 5, 2009.

A moment of silence for private reflection was observed.

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

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

Item 4.B Status of closing of the Weymouth Furnace Bridge.

Item 6.A Insert names of businesses:

- (1) Victoria's Secret - retail women's apparel/beauty & specialty sales in Hamilton Mall.
- (2) Just Cabinets - retail home furnishings/kitchen cabinets and electronics sales in Consumer Square.
- (3) Spirit Halloween - costumes & accessories store in Hamilton Mall.

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

There were no executive session confirmations to be made.

Early Public Comment on Agenda Items

Mr. Sasdelli reported Mr. Walberg called and said he was at a wedding over the weekend and could not get back in time to make the meeting and he had no one else to send.

Wayne Choyce referred to Agenda Item 6.K, an authorization for reducing the amount of their performance guarantee letter of credit. He said he sat on the Zoning Board when Taco Bell came before it and said the Landscape Architect made quite a few requirements for its construction and many of them dealt with saving mature trees that were on the site. Mr. Choyce said he goes to Consumer Square often and saw that when they dug some of the big, mature trees up they used a basic backhoe that tore the trees up and they are dying. He said they dug one tree up and laid it on its side and let it die. Mr. Choyce said he knows the Zoning Office has been made aware of this and that Jay Adamson, the Landscape Architect on the project, is aware of what is going on. He said he is concerned about releasing money and keeping their feet to the fire to make sure they meet the requirements they agreed to when it comes to vegetation on the site. Mr. Sasdelli said the Township is relying on its engineer's recommendation and they recommended \$138,284.00 be retained. Mayor Gaskill said Mr. Choyce brought up a good point and asked Mr. Sasdelli to make the Landscape Inspector at RMV aware of the Zoning Board's issue before any more money is released.

Transfer of van and bus to Mizpah Inland Human Services

Ms. Gatto said that the Finance Committee met to review this item last week and recommends the transfer. She explained they looked at the purchase price, Blue Book estimate and the services being provided. Ms. Gatto said the Township turned over ownership of the Center to MIHS so that they could continue providing those services to that end of the Township and by relinquishing affiliation with the Township they could expand some services. Ms. Gatto said that the Finance Committee feels that they need these vehicles in order to continue providing those services. Mr. Palmentieri said he thought that was a good summary of all the pertinent facts.

October 5, 2000

Mr. Pritchard asked if the bus was purchased with CBGD funds and if there was any issue with the County on it. Mr. Sasdelli said it was purchased with CBGD funds. He said he checked with Mr. Lingle County and transferring it is not his preference but it is permissible.

Ms. Gatto said the Finance Committee discussed that the Township bought the bus with those funds to provide a service and the service will continue to be provided if not expanded. She said they felt it is an applicable use of the funds and a good use for the public's benefit.

Mr. Silva said he believes that in an on-going effort to continue the support the Township has given MIHS and the fact that the center is being turned over to them he would make the motion.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that title and ownership of the 2001 Chevy Van and 2006 passenger bus be transferred to the Mizpah Inland Human Services.

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

Mr. Lafferty explained the Statute under which the transfer would be made would also contain a reverter provision so that once the community interest is not being served the vehicles will come back to the Township. He said it is the Real Property Statute and it mirrors the real property Statute.

#### Weymouth Furnace Bridge closing

Mayor Gaskill said he has instructed the Administrator and Police Department to start looking into other alternatives and seeing what kind of scenarios they can come up with. He said he thought it was important that they be involved with the County. The Mayor said the Township has to be proactive on this and cautious as to how they may want to redirect traffic.

Ms. Gatto said the Committee made a point about enhancing communication among themselves and other government entities but also the residents. She complimented Mr. Sasdelli on his pro-activity by having already reached out to Tina Fetty as soon as the message was received and Ms. Fetty was going to share the information with others on the street. Ms. Gatto said she knows there have been other instances of pro-activity with the Police Department. She said alternatives should be looked at. Ms. Gatto said she thought that with the county reaching out to the Township and letting them know this, it looks like the County is working with the Township to minimize the impact of vehicle traffic on Gale Avenue.

Mayor Gaskill said a long term plan has to be looked at and that, after this traffic issue is addressed, viability of that bridge has to be addressed. The Mayor said he has recommended in the past and continues to suggest that the bridge be moved to the railroad trestle which is where the County Bike Path is going to go. He said it would be a way to preserve the bridge as some people want to do and rebuild the bridge to a proper safety level. The Mayor commended the County for acting quickly by shutting it down as soon as they became aware it was unsafe. He said this is an issue that has been hanging around for a long time and those who travel know it is unsafe. The Mayor said it isn't wide enough for 2 vehicles now it is a safety issue that has to be addressed long term also.

Mr. Silva said he asked for it to be on the agenda for all of the reasons already spoken about and because he feels it is a serious public safety issue. He said the road isn't adequate for a lot of the traffic that is being detoured to navigate because of how it winds and twists. Mr. Silva said a lot of campers, vans and Suburbans pulling boat trailers can't make the turns. He said he appreciated the notification but the most disturbing factor to him was the comment in the newspaper that there is no anticipated completion date and the project still has to be approved by the State Historic Preservation Office. He said that is unfortunate and that it could go on for a long period of time, especially going into the winter months. Mr. Silva said he would like the Mayor, the Administrator and which ever Committee Members the Mayor chooses meet with them to try to see if the bridge could be replaced once and for all as the Mayor suggests. Mr. Silva commented on not knowing how long this will go on and said the Township isn't sure if it will create any damage to the roadway. He said he thought it had to be put on record that this would not have been the detour of the Township's choosing and that there are alternate routes that should be considered. Mr. Silva said that looking back there are many things that are taking so long to replace. He said he thought the Committee owed it to the community at large for safety reasons to address the issue and make sure that they can come up with some finality to it. Mr. Silva said they should give the community at large a response stating that they are not only concerned about it but they are doing something about it.

Mr. Palmentieri said he agreed 100% with what was said. He said he knows the Police Department, Solicitor and Administrator have people look into it. He expressed hope that by next meeting the Committee can assess what options they have and implement something that provides some level of relief for the Gale Avenue neighborhood.

Mr. Silva suggested inviting the Board of Freeholders Chairman and Freeholder representing that district to attend the meeting so they can get a comprehensive balanced input into a discussion on it. He said he knows one of the reasons it could not be replaced was that it is on the Historic Register and something about the bolts. Mr. Silva said he would be willing to pay for the glass enclosures to put them in and put them in the library if that is the only thing withholding the repair of the bridge.

Ms. Gatto said she thought having an unknown completion date was absurd and asked for a date no matter how far or close it is. She said she hoped all 5 Members would agree that if they could get this in an emergency status and try to get work started before winter, that is the way to go. Ms. Gatto said she thought that is the kind of pressure the Committee and County have to put on at the State level to get it into emergency status so they are talking weeks, not months. Mr. Silva said that he thought that would be the consensus of the Members and that none of them would argue with it.

Mayor Gaskill said this needs to be moved forward as fast as possible and he asked the Police Department come up with a plan by next meeting.

Public hearing/adoption - Ordinance #1661-2009

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

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

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

WHEREAS Ordinance #1661-2009 was introduced and passed first reading on September 21, 2009 and was duly advertised in the September 23, 2009 issue of the Atlantic County Record for a public hearing to be held on October 5, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1661-2009 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1661-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 780, LOTS 4 & 6 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and further without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

October 5, 2004

SECTION 4. The following conditions of sale shall apply:

(a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to cover administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after the Township Committee accepting the bid and authorizing the sale to the high bidder.

(b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.

(c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

(1) Easement of utility companies and of governmental agencies or bodies.

(2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.

(3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.

(4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.

(5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.

(e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Minimum Bid</u>	<u>Location</u>	<u>Zoning</u>	<u>LOT Size</u>
780 / 4 and 6	\$3,500.00	Calhoun Avenue	R-22	75' x115'

SECTION 6. SPECIAL CONDITIONS: NONE

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

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

ATTEST:

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

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

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

ORDINANCE #1661-2009 INTRODUCED AND PASSED FIRST READING ON SEPTEMBER 21, 2009.  
ORDINANCE #1661-2009 ADOPTED OCTOBER 5, 2009.

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

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

- 1) Victoria's Secret - retail women's apparel, beauty and specialty sales store in Hamilton Mall.
- 2) Just Cabinets - retail home furnishings, kitchen cabinets and electronics sales store in Consumer Square.
- 3) Spirit Halloween - costumes and accessories sales store in Hamilton Mall.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Rotary Club of Mays Landing request for a resolution of no objection to Atlantic County approving or issuing permits to the Rotary Club for coin drops to be held on Mays Landing/Somers Point Road at its intersection with Atlantic Avenue as recommended by the Hamilton Township Police Department for safety reasons.

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

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

WHEREAS the coin drops previously approved for the Rotary Club of Mays Landing were all rained out and a new request has been submitted,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that a permit for the Rotary Club of Mays Landing request to hold coin drops on Atlantic Avenue only at its intersection with Mays Landing/Somers Point Road (CR 559) on October 10 and 11, 2009 with rain dates of October 17 and 18, 2009 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #11-2009 is hereby approved for the St. Vincent DePaul Church 50/50 raffle with the drawing to be held at the Parish Center on October 24, 2009.

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

October 5, 2009

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

**PUT THE BRAKES ON FATALITIES DAY**  
**October 10, 2009**

WHEREAS, In 2008 traffic crashes caused nearly 40,000 fatalities and are the leading cause of death for young people ages 3 to 34; and

WHEREAS, 591 individuals lost their lives in traffic crashes in New Jersey in 2008; and

WHEREAS, Alcohol-related crashes accounted for 26 percent of the States' traffic fatalities; and

WHEREAS, Unsafe speed was a factor in more than 22,000 crashes; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 21 bicyclists and 135 pedestrians were killed in New Jersey in traffic-related crashes in 2008; and

WHEREAS, Safer driving behaviors such as buckling up every ride; obeying posted speed limits; avoiding aggressive driving behaviors; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths on our roadways;

NOW, THEREFORE, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, does hereby proclaim October 10, 2009 **PUT THE BRAKES ON FATALITIES DAY** in the Township of Hamilton and hereby calls upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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

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

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

WHEREAS, Koi Fish Cafe, LLC, a limited liability corporation of the State of New Jersey with an address for mailing purposes only of c/o Thomas Locavara, 1704 West Avenue, Linwood, NJ 08221, is the owner of Plenary Retail Consumption License #0112-33-026-006; and

WHEREAS, aforesaid PRC License #0112-33-026-006 has been inactive since December 16, 2000; and

WHEREAS, Koi Fish Cafe LLC filed the required application for renewal and paid the renewal fees for the 2009-2010 license year which was accepted by the Township Committee of the Township of Hamilton on June 15, 2009 for filing only and with no action taken to approve or deny its renewal pending receipt of the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on September 23, 2008 under Agency Docket No. 09-08-5698 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-026-006 for the 2008-2009 and 2009-2010 license years; and

WHEREAS, the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal purposes was issued September 19, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling which are incorporated herein and made part hereof by reference and as if recited in full, Plenary Retail Consumption License #0112-33-026-006 is hereby approved and issued for the 2009-2010 license year to Koi Fish Cafe, with an address for mailing purposes only of 1704 West Avenue, Linwood, New Jersey 08226; and

BE IT FURTHER RESOLVED that renewal of this license is subject to the special condition that **"no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2010,** pursuant to the aforesaid Special Ruling from the Division of Alcoholic Beverage Control.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor is hereby authorized to sign the approval for the \$82,693.00 Municipal Joint Insurance Fund (JIF) dividend to be applied to the Township's 2010 annual premium.

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

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

WHEREAS on September 23, 2009 the bid submitted by Winner Cherry Hill Ford was the only bid received for supply of one dump truck under bid specifications #2009-05A; and

WHEREAS the Deputy Director of Public Works has reviewed the bid and recommended in writing that the bid of Winner Cherry Hill Ford be accepted,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Winner Cherry Hill is hereby accepted and the purchase of one (1) 2010 slightly used Ford F-150 dump truck with snow plow and V-box spreader attachment from Winner Cherry Hill Ford under Bid Specifications #2009-05A is hereby authorized at a cost of \$58,172.00 with funding to be appropriated from the 2009 Capital Ordinance #1649-09.

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

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

WHEREAS the Pinelands Commission requires an authorized municipal official sign certain LURP applications as the owner of Township-owned rights-of-way,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Philip Sartorio, Community Planning/Economic Development Director, is hereby authorized to sign Pinelands LURP applications on behalf of the Township for the following:

- 1) Hamilton Township Municipal Utilities Authority extension of its water main on old Egg Harbor Road between Route 50 and Pinehurst Drive.
- 2) Guy Tunney for improvement of Oslo Avenue (Application #1983-5522.005) for the subdivision development of Block 957, Lots 1.01, 1.02 and 2.06-2.09.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that purchase of one (1) Ford Crown Victoria police car from Winner Ford Fleet Sales under State Contract #A45069 is hereby authorized at a cost of \$22,623.00 with funding from the Police O/E account and JIF Insurance reimbursement for replacement of vehicle #249 which was totaled in an accident on March 26, 2009.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that TD Bank letter of credit #136192090093, the performance guarantee for Spico Foods Services, LLC Taco Bell project is hereby authorized to be reduced **from** \$228,576.00 **to** \$138,284.25 as recommended by the Township Engineer in letter dated October 1, 2001.

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

October 5, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the September 8, 2009 and September 21, 2009 regular meetings and the September 21, 2009 executive session are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$2,041,599.58 as of October 1, 2009.

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

### Reports

Administrator: Mr. Sasdelli reported the Committee had the RFP for professional services that is put out each year in their packet tonight. He explained no action was required tonight but in order to keep the timing in line with Statutes the Committee should approve something at the next meeting so it can be advertised and proposals solicited. He said that what the Committee has in their packet is the same as what they had last year. Mr. Sasdelli said they have two weeks to look it over and if anyone has any changes or suggestions next meeting would be the time to bring it up. Ms. Gatto and Mr. Silva said to list it as a discussion item on the next agenda.

Solicitor: Mr. Lafferty reported he spoke to the Mayor and Committeeman Palmentieri today about Gale Avenue and they are working in conjunction with the Police Department and Administrator to try to reach a resolution in that matter.

Mr. Lafferty reported he got an e-mail from Shore Memorial Hospital's counsel last week indicating that they would execute a quit-claim deed to the Township and resolve that issue. Mr. Lafferty said he didn't think any further legal action would be necessary to resolve the dispute. He said he would prepare the deed this week and hopefully will have it back within a week. Mr. Lafferty said he thought the matter would be resolved by the end of October at the latest.

Township Committee: Mr. Palmentieri reported the policy and procedure for non-Township sponsored events that he, Mr. Sasdelli and Mr. Silva are working on is pretty much completed and is in the process of preparing it for presentation at the next meeting.

Mr. Palmentieri said the basin situation in Hamilton Walk and Timber Glen still isn't down to normal level. He said the result of the 2-inch rain has lasted for two weeks or so. Mr. Palmentieri said if there is a storm event like rain from a hurricane, they could be not only be in for some very damaging flooding but also for a sustained level of flooding for days if not longer. Mr. Palmentieri said he thinks the Township Committee definitely has to be prepared with money in next year's budget to address the township-owned basins that are malfunctioning and start to develop a good strategy to address the privately owned basins that ultimately affect either township roads or other developments.

Mr. Silva asked when Mr. Walberg was meeting with the engineer from Timber Glen. Mr. Sasdelli said the meeting is on October 13<sup>th</sup>. He said there was a meeting on September 29<sup>th</sup> that he and the Mayor sat in on that Edgewater and Timber Glen were supposed to participate in but for some reason they couldn't make it. Mr. Sasdelli said they had the meeting anyway and talked about capacities, 100-year storms and 50-year storms. He said he didn't want to go too far with comments or the Solicitor will elbow him. Mr. Sasdelli said the Township got a letter from the (Edgewater/Timber Glen) property owner's attorney objecting to some things and that is in the mix now. He said there is a meeting scheduled for October 13<sup>th</sup> with the Township Engineers and their Engineers. Mr. Sasdelli said the Township Public Works Department and both sides realize there is an issue and things have to be addressed. Mr. Silva said he believed Mr. Walberg has instructions to have this report done by the end of the year. Mr. Sasdelli said Mr. Walberg said at the last Township meeting that this is his top priority. He said Mr. Walberg also told him that he would provide a cost estimate to do a report of that magnitude and if it is approved he will proceed with the report. Mr. Silva said it aggravates him that this has been talked about for 3 or 4 months now and now it comes to this point. He said the Committee needs that report "like yesterday".

Mayor Gaskill reported he has been in contact with the Public Works Department and all of the basins the Township owns except the one at Hamilton Walk are functioning properly. He said they were waiting for a dry spell to get in there but it never occurred this year.

Ms. Gatto announced the Laureldale Fire Company is having its "Acres of Terror" at their fire house every Friday, Saturday and Sunday from now until the end of October. She encouraged the residents to attend and support the local fire department.

Mayor Gaskill extended condolences on behalf of the Township to the Joseph Barresi family. He said Mr. Barresi passed away over the weekend. The Mayor said Mr. Barresi was a lifelong resident that many knew from his working at Gasko Pontiac for many years; he was a war hero: lost his hearing because he was a gunner on a warship in the second world war of his; and he was a personal friend of the Mayor who had coached him in Little League Baseball.

#### Public Comment

Charles Cain said he was happy to hear the reports on the drainage basins but was discouraged that something isn't going to happen more quickly. He said he thought it was discussed that at the last meeting that some kind of overlay was going to be made. Mr. Cain said he was happy to hear the Mayor report that with the exception of one, all of the Township-owned basins are working the way they should. He said he thought it would be important to see that on a document and to see that it is proven out because of the known failure rate there is in the Township.

Mr. Cain referred to Mr. Choyce's comment about TACO Bell and said he was happy to see that only a portion of the bond was being returned. He said one of the conditions put forth and one of the deciding factors on TACO Bell was that the mature trees would be left on that property. Mr. Cain said care should have been taken prior to the trees being dumped off on the side and it is something that should not be let go. He said they can replace them with trees of the same size but it will be more expensive and that those trees should be replaced with trees of the same size before the rest of the money is released.

Mr. Cain said Historic Preservation should not trump public safety. He commented on having canoed under the Weymouth Furnace Bridge a couple of weeks ago and said anyone who did they would never drive over it again. Mr. Cain said he understood it is being held up by the Historic Preservation Office in Trenton and asked if the Township could draft anything to help the County put pressure on them. Mr. Cain said that from Williamstown to the Black Horse Pike tractor trailers drive 55 miles an hour almost non-stop and making a left turn onto Gale Avenue could be catastrophic for someone. Mr. Cain said no one should have to perish or families suffer because it is being held up by Historic Preservation. He said he appreciates what the County wants to do and the bridge has to be moved. Mr. Cain said even if emergency approval is gotten, it is putting a Band-Aid on things. He said the road needs to be realigned. Mr. Cain said that he understood that the County offered to move the bridge into the park there and the Historic Preservation Office refused to act on it. He said the Township Committee should be acting and if there is anything they can do to get the County to replace the bridge they should. Mr. Cain said the Township should do anything it can to help the County so they can put pressure on the State Historic Preservation to get this done before a family has to suffer. Mr. Pritchard said that has been the Township's stance for many years and it is a very frustrating situation. He said the Township Committee has been side by side with the County for years on this and the County knows how they feel. Mr. Pritchard said the County has thrown up their hands in frustration on this because they can't get past the Historic Preservation Office. Mr. Cain it is a truss bridge and not that rare. He said it shouldn't be on the Register in the first place. Mr. Cain said there are ordinances on the amount of traffic that can go down a road based on its width and design. He said the Township may be violating an ordinance by allowing that amount of traffic to go down Gale Avenue. He said it is a winding, twisting road and he doubts it is capable of handling the traffic based on the ordinance. Mayor Gaskill said the Township Ordinances don't apply to it and the County has to be pressured on that. Mr. Cain questioned what the County Ordinance says and suggested it is probably similar to the Township's.

Wayne Choyce asked what information the County gave the Township about what closed the bridge and what their plan is. Mr. Sasdelli explained the Township received a notice from the County Emergency Management Coordinator that a safety inspection was done and the County Engineer deemed it was unsafe for all motor vehicle traffic. He said he didn't know if it was a routine safety inspection or it was in response to a call. Mr. Sasdelli said they sent an e-mail to him and the police department on Friday saying the bridge was not safe and the only alternative was to close it and detour traffic onto Gale Avenue. He said the county plan as to how long it would take was unknown at this time. Mr. Sasdelli said Lt. Tappeiner has come up with alternative detours that the Township wants to review with the county and talk to them about the left-hand turn maneuvers because every one of the

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alternative detours has drawbacks and inconveniences. Mr. Sasdelli said the prime goal is the safety of the motoring public and putting that amount of traffic on Gale Avenue is problematic. He said they will meet with the County and hope to report back to the Committee that they have a joint resolution that the County agrees with, the Solicitor approves and public safety feels comfortable with but they don't know what that is at this time. Mr. Choyce asked if it was known whether the County thrust was to repair or replace the bridge. Mr. Sasdelli explained the first report at this point in time is that stringers and new decking were needed but that could change because first reports often change. Mr. Choyce said he doubts the bridge is in any condition for that to be done. Mr. Silva said the County lowered the weight limit and wanted to make repairs at a prior date but were denied permission from Historic Preservation and now recent inspections determined the bridge is unsafe for any traffic. He said a decision has to be made at both ends now on how to approach this. Mayor Gaskill said this might be a good thing in a way if it turns out patch work won't work then maybe enough pressure can put on the State to overrule them and do what has to be done. The Mayor said there could be long-term inconvenience if the bridge isn't repairable.

Rich DeFeo asked if they are leaving the sides of the bridge up and rebuilding the decking. Mayor Gaskill said he would defer to the Engineer on that. Mr. DeFeo said if they take the bridge apart it will be a minimum of a year or more by the time they get permits. He asked why they can't build a historical bridge like they want and pre-fab it. Mr. DeFeo said that would take less than 2 months. He suggested the Committee get start and finish dates from the County. He suggested that if they say 6 months they should be fined for every day they go over that just like they do contractors. Mr. Pritchard said it is the County's bridge and he didn't know if the Township has that kind of leverage to impose penalties on them. Mr. DeFeo said he thought giving the Township start and finish dates is the least the County can do because a lot of people in the community are being inconvenienced. Mr. Palmentieri commented on the County needing permits before they can schedule anything. Mr. Pritchard said the County has to go through the bureaucracy of New Jersey in order to do this and there are a multitude of agencies. He said he is sure they will have to go through DOT, the DEP and Pinelands before they can do anything. Mr. DeFeo said it was a shame they didn't do that last year because the bridge has been bad for quite a while. Mayor Nelson said you quickly learn the bureaucracy quickly gets in the way of what seems to be easy and makes sense. Ms. Gatto said that is why the Committee wants the emergency designation because it cuts through some of the red tape more efficiently. Mr. Silva said if the bridge fell into the river they would replace it right away because then it would be an emergency.

Deborah Krause said she was getting a lot of phone calls about the land sale coming up on Wednesday since the Press ran the article about \$5,000.00 lots. She said most of them think they are buildable lots that they will buy, flip and make a ton of money. Mrs. Krause said they don't understand that they have to go through Pinelands and it costs \$500.00 per lot now for a Pinelands application. She said a couple of people asked her what had to be done next and she told Pinelands can come out and find a tree frog, grasshopper sparrow or endangered snake. Mrs. Krause said then there is the wetlands. She said people are not looking at that and they think the Township is selling buildable lots. She said she read the disclaimer that was in the ad that was in the paper but the article in the newspaper didn't say there was a disclaimer that these may not be buildable lots. Mrs. Krause said that years ago people bought a piece of property from the Township and tried to sue the Township afterward because they couldn't build on it. Mrs. Anderson said there was more to it that. Mrs. Krause said she bought the property, did the things Pinelands wanted done that those people didn't want to do, and built her house on it. She said a \$35,000.00 septic system is required for anything under 3.2 acres and that doesn't include the engineering cost to design it. Mrs. Krause people who come to the sale have to know the lots are "as is" and there are things that have to be done to make them buildable. Mayor Gaskill asked if the disclaimer is sufficient. Mr. Lafferty said he believes it is. The Mayor said he has heard a lot of encouraging things, that there will be a lot of bidders and that some of the people do know about the septic system and what they have to do. Mrs. Anderson explained the conditions in the advertisement and that it says there is no guarantee of its use for any purpose and that it is subject to all other governmental agency regulations. She explained the bidders are given a copy of the legal ad before the sale starts and they have to sign that they have read and understand the terms and conditions of sale as advertised and stated at the time of the sale. Mrs. Krause said she knows whatever she buys is "as is" and that it could turn out to be something she can't use.

Aline Dix suggested everyone in the Mays Landing Fire Department service area make an effort to attend or buy a ticket to the spaghetti dinner they are having on October 17<sup>th</sup>.

Ms. Dix referred to Mr. Sasdelli commenting on the professionals RFPs and said there was a long discussion on the criteria for each of the positions in 2007; the Committee agreed on what it would be; and then the advertisement went out. She said she can't find anything in her archives where there was any discussion in 2008. Ms. Dix said the Committee is now getting information from 2008 to say okay or not okay at the next meeting. She said the problem is that what was done in 2007 doesn't match what was done in 2008 so she would like the Committee to receive information on the positions and criteria from 2007 and 2008 before the next meeting and decide on October 19<sup>th</sup> whether they are going to go with the 2007 or 2008 positions.

Ms. Dix referred to the transfer of the 2001 van and 2006 bus to Mizpah Inland Human Services and said there was no make/model/serial number on the agenda. She asked which one was paid for with CDBG money. Ms. Gatto said the bus was paid for with CDBG money and has a wheel chair lift. Mr. Sasdelli said it looks like a school bus. Ms. Dix said she knows a Dodge Caravan was bought with DCBG money that she fought in 2004 because the Township couldn't come up with 1/10 of 1% of the annual budget to buy a van for the senior citizens which was \$14,000.00 under State Contract. Ms. Dix questioned the status of spending the 2004 DCBG money for handicapped curb cuts. Mayor Gaskill said Mr. Sasdelli would get back to Ms. Dix with the information. Ms. Dix said she didn't like answers coming back to her because then the rest of the Township doesn't know the answers. She suggested one of the Members add the status of the CDBG funds as an item to the next agenda. She said she would look forward to a report at the next meeting.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the Township Administrator's Employment, a personnel matter, which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law, and

BE IT FURTHER RESOLVED that the governing body will reconvene in public session to confirm the results of the executive session if there is a majority consensus for action to be taken tonight.

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

THE EXECUTIVE SESSION STARTED AT APPROXIMATELY 7:25 P.M.

Mayor Gaskill recalled the meeting to order in the public meeting room at approximately 7:45 P.M.

Ms. Gatto moved, seconded by Mr. Palmentieri, that the executive session be adjourned and that the Township Committee reconvene in public.

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

Confirmation of executive session

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 Mayor be authorized to enter into a three (3) year employment agreement with Edward M. Sasdelli for Township Administrator with the following material terms pursuant to the executive session discussions:

Net Salary of \$121,510.00 for the year 2010; net salary of \$124,606.00 for the year 2011; and net salary of \$128,281.00 for the year 2012. Ms. Gatto said this is a 2% increase in 2011 and 2012 and will include unpaid furlough days across the three (3) years. She said it increases the medical insurance contributions to 1.5% in 2010, 1.75% in 2011 and 2.0% in 2012.

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

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When seconding the motion, Mr. Palmentieri said he thought all the material details were covered and that it is a good agreement for everybody involved.

After the vote, Ms. Gatto said there was nothing but good comments in the executive session. She said the members talked about the caliber of work Mr. Sasdelli provides to the Township and its residents; his dedication to the community; and the fact that he wants to stay here. Ms. Gatto said the Committee took lessons learned from other Administrator searches and they think that Mr. Sasdelli is the best out there and the residents need him in their corner. She said the Committee wanted to make sure Mr. Sasdelli gets what he deserves and they thank him for his service. Ms. Gatto said he continues to be a great role model for the rest of the employees. Mr. Sasdelli said he appreciated that.

There being no further business to be considered tonight, Ms. Gatto moved, seconded by Mr. Silva, that this meeting be adjourned.

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

ATTEST:

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