

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 19, 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 of this meeting on the bulletin board in the municipal building and by faxing or e-mailing a copy of the notice along with the agenda of 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 PM on Monday, October 19, 2009.

A moment of silence was observed.

Presentations

SPECIAL EVENTS ORDINANCE AMENDMENTS:

Mr. Palmentieri explained an ordinance was created in 1966 and it still governs what is done with parades and special events today. He said the Subcommittee reviewed the ordinance for its adequacy in today's world and for issues germane to the Township's current-day requirements. Mr. Palmentieri said they are protecting taxpayers' money, maintaining public safety, addressing any legal aspects for effective, fair and efficient procedure and fulfillment of fiduciary responsibilities in terms of risk management. He said other municipalities ordinances were they obtained and reviewed and those with expertise in some of the fields were consulted. Mr. Palmentieri said that after careful deliberation and discussion the Subcommittee unanimously agreed on all aspects of the proposed updates of to the 1966 Ordinance and Mr. Sasdelli will include them in his presentation.

Mr. Silva said he agreed with everything said by Mr. Palmentieri and that this was not an attempt to reinvent the wheel. He said it is to take an existing ordinance and try to fit it in 40 years later to lay out the process and make it as simple as possible for people coming in to get a permit. Mr. Silva said Mr. Sasdelli was asked to put together a power point presentation in the best interest of putting it before the public.

Mr. Sasdelli said everything on the screen is in the handout that was distributed to the members of the public. He explained that what was being presented was the culmination of three Subcommittee meetings. He then proceeded with his power point presentation. He explained this is amending Chapter 235 of the Township Code. A complete copy of the power point presentation is available for review in the Township Clerk's Office. Mr. Sasdelli commented on the economic turn-down impact on the budget and the events that funding for had to be eliminated and said that led to a proliferation of private organizations wanting to sponsor those events. He said the Administration had to rely on Chapter 235 to instruct them on how to go about sponsoring an event. Mr. Sasdelli commented on many municipalities experiencing the same situation. He commented on municipalities that recently enacted an ordinance; will hold events with volunteers and no taxpayer funding; or cancelled parades and events. Mr. Sasdelli said it comes up at almost every JIF Insurance meeting and the more member towns rely on outside groups sponsoring events, the more JIF gets concerned about liability and risk management in coordinating and controlling it. Mr. Sasdelli explained Chapter 235 currently requires groups to get a permit from the Police Chief; it put the onus for approval or denial on the Chief; had minimal requirements and provided no guidelines. He said it wasn't good for the applicants or the administration because it is unclear. Mr. Sasdelli said Chapter 235 can work and does. He said Mays Landing Merchant's Association sponsoring of Hometown Celebration was a model private event. Mr. Sasdelli explained they applied for all the permits, had their own insurance, paid for all the costs and cleaned up after themselves. He said that was because of Mr. Kurtz's voluntary cooperation, not because of the ordinance because it doesn't give clear direction to the applicant or administrative staff. Mr. Sasdelli explained the goals of the Subcommittee were (1) to maintain public safety when the events are held (2) to assign all costs to the sponsors instead of taxpayers (3) to assign all risk and liability to the event sponsors instead of taxpayers (4) to make the process clear and understandable for the applicants and (5) to minimize inconvenience to residents not involved in the special event. He commented on complaints about inconvenience and cited the example of customers not being able to get to the skating rink. He summarized the changes: (1) special events was defined and it is not a facilities use policy and doesn't cover the soccer, football or little leagues; (2) time frames were established - application must be submitted 45 days prior to the event and approval or denial will be issued 15 days from the filing of a completed application; all escrow fees must be posted 7 days prior to the event if it is approved; (3) establishment of fees - \$25. non-refundable application fee, \$500. security deposit that is refundable if the site is left in acceptable condition and, if it isn't that deposit will be used to clean it up; (4) applicant must pay full cost of Township police and/or public works employees required (5) all signs must be removed within 24 hours following the event and all trash must be removed within 12 hours following the event; (6) a certificate of insurance for \$1 million per occurrence/\$2 million in the aggregate is required; (7) the

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private groups will have to sign a hold harmless agreement to indemnify and defend the Township against any claims, cross claims, etc., resulting from damages or injury proximately caused by the special event activity. Mr. Silva asked if any claims had come into JIF as a result of some of these activities. Mr. Sasdelli said claims do come and the question is whether they are substantial claims that have to be paid. He explained tripping on a cracked sidewalk would be caused by the condition of the sidewalk and isn't proximately caused by the event. Mr. Sasdelli said there are times when somebody is injured at a special event and they sue everybody involved and if there is no hold harmless agreement in place the township is liable for the defense costs. Mr. Sasdelli explained the Township's participation in JIF and that the goal of JIF is to transfer risk to someone else or reduce it as much as possible. He showed a slide quoting guidelines from the JIF manual regarding insurance certificates. Mr. Sasdelli said the governing body doesn't vote on special events permits now and wouldn't do so under the proposed ordinance. Mr. Sasdelli said it would remain an administrative process with the Division Chief for Special Events in the Public Works Department and the Police Chief for public safety. He said there would be an appeal process where they have to come to the Township Administrator within 5 calendar days of denial.

Mr. Sasdelli explained this is an amendment to an ordinance and if the Committee is going to agree to something they have to authorize the Solicitor to prepare an amending ordinance and then it has to be introduced, advertised, a public hearing held, and then adopted by the Township Committee.

Mr. Pritchard said he didn't disagree with the aspect of the Township not funding events and he didn't have a problem with the application fee because it was minimal but he had a concern about what the \$500. deposit might do to certain events and groups that might not have the wherewithal to get the deposit and the insurance. He asked if it included all types of events in township parks and on township roads like the 9-11 ceremony, Memorial Day, Veterans' Day. Mr. Sasdelli said if it is a township event done by a township board like the Veterans' Advisory Board it is not a private group but something like Art in the Park would be private. He said the 9-11 ceremony would come under the ordinance if it is sponsored by a private group. Mr. Pritchard said Easter Egg Hunts, the Historical Society Ghost Walk and Tree Lighting Ceremony are basically going to have to have the deposit. He said National Night Out at the Woodlands and Oakcrest Estates have parades on township roads and asked if they have to provide the deposit and insurance. Mr. Pritchard said this has never had to be done before and will be a concern to all the different groups and may in fact cancel some of them out.

Mr. Silva said National Night Out is on private property. He said it has been held at Woodlands, Oakcrest Estates and Cologne Gardens. Mr. Sasdelli said he didn't think that had been considered a private event at this point. He said if the township is scheduling and coordinating the event it is a township event. Mr. Sasdelli said he would have to learn more details about National Night Out. He said he doesn't know if the Police Department does it. Mr. Pritchard said the Police Department do it in conjunction with the different homeowners' associations and there may have to be some tweaking of the amendment to clarify who is responsible so there is no confusion in the future.

Ms. Gatto referred to the Subcommittee's goal to assign all risk and liabilities to the sponsor instead of the taxpayers and said she was going to suggest that there could be an exception list for township endorsed events. She said the Committee adopted a list at Reorganization of events the township might not be financially supporting but they endorsed their continuation and several organizations stepped up to carry them out but the Committee said they are still sponsoring it but not financially. Ms. Gatto suggested those events be put on a list of exceptions. Mr. Pritchard said that might be a good idea but he was thinking of having some sort of waiver process that they would be judged on their own merit. Ms. Gatto said she guessed the events that Committee said they would sponsor in some way were Hometown Celebration, 9-11 ceremony, Halloween parade, tree lighting, POW-MIA and government day.

Mr. Palmentieri said that was before the Committee got to the budget and he thought the Committee has to discuss the problem being run into a little more. He said he believed the Committee or other parties can't transfer liability if they aren't the sponsor. Mr. Palmentieri said he thought it has to be clear that it is the Township's event or it isn't and not something in between.

Mr. Sasdelli said if the Township is going to carry the insurance on the event it should have a say in coordinating it and making sure things are done properly to manage the risk. He said when the township tells a private group they can come in and run an event and they are carrying the insurance the township is still concerned about public safety but would be less concerned about the internal mechanism of their event. MR. Sasdelli said the Committee has to decide when they put the budget together what events are going to be township funded and sponsored events and whatever isn't on that list becomes a private event and if a private group wants to do it they will come under the Special Events Ordinance.

Mr. Silva said one of the Township Committee's responsibilities is to minimize risk and to do it in every aspect. He said if that becomes a point of contention it has to be brought before the Township Committee because they can decide as a group if they want to forgo it or make an exception. Mr. Silva said you can't transfer risk in a case like this where the liability could be great. He commented on hearing of too many instances where

well-intentioned individuals put on an innocent event and the consequences could be great over time. Mr. Silva said he thought the Committee had to give this very careful consideration. He said he didn't think it was meant to hinder anybody from having an event but the Committee has to recognize what their responsibilities are and make their decisions accordingly.

Ms. Gatto said she thought the Committee's responsibility was to be a partner with the community service organizations to maintain community traditions and events. She said that by being a partner right now the Township can't support it financially but there are other things the Township can do to be a good partner. She said one of those things would be to provide a certificate of insurance for a group that wants to do something that is on the list of events on the list that the Committee would like to be a sponsor of including Hometown Celebration, the Halloween Parade and things like that. Ms. Gatto said it is about defining the Township's roll as a community partner.

Mayor Gaskill said there are a lot of great traditions in the township and he doesn't want to see them go away. He questioned if the township should now chase some of those events out of town because they are no longer affordable. The Mayor said he believes the Township can continue to support some of these groups by allowing them to buy into the Township insurance at a minimal cost, \$250.00-\$300.00. Mayor Gaskill said he thought that was better than saying they have to get their own insurance which could cost \$5,000.-\$6,000.00 for some events. Mayor Gaskill said he thought it was the Committee's responsibility to make sure of coming together as a community and part of that is making it affordable and keeping it together. The Mayor said he worried that the Township was going down a path where they may not have these events at all. Mayor Gaskill commented on the town's 300th anniversary coming up.

Mr. Sasdelli said the Committee seemed to be getting hung up on risk management but that wasn't what drove the equation of this ordinance, it was the cost when private organizations wanted to have the events that were cut out of the budget. Ms. Gatto asked if the Township had all the risk on all those events previously. Mr. Sasdelli said they did on most of them. He explained the Township sent up a policy called TULIP to be a partner with the community which costs the organization between \$80. and \$150.00 and everything other than fireworks can go to TULIP and instantly be covered. Mr. Sasdelli said the insurance is through the JIF but it is private insurance. He said that all the events have no problem getting a TULIP certificate except fireworks. Mr. Sasdelli explained TULIP doesn't insure fire works and nobody wants to insure them. He said he thought that was what the mayor meant when he talked about getting a rider on the Township policy rather than getting their own. Mr. Sasdelli said it isn't onerous and not as big a deal as the cost of the event. Ms. Gatto said TULIP should definitely be referenced in the ordinance under general references. Mr. Palmentieri suggested how easy it is to do to it on line. Mr. Sasdelli said they put in their credit card number in and the policy is private. He explained they don't want cover high risk activities like skydiving and fireworks. Mr. Sasdelli said they are exclusions and the only thing the Township has on its list that falls within the exclusions is fireworks. Mr. Silva said the ordinance was expanded makes the process a lot more simple. He said it tells exactly what you have to do, gives you the time frames, and there are basic costs involved. Mr. Silva said the security deposit was obviously put in for a reason and he thinks it would be returned to the sponsor at the end of the event. He compared it to having a time frame for return of a security deposit on a rental unit to be returned after you leave it. Mr. Sasdelli explained that the proposed ordinance calls for the sponsor to clean up the trash within 12 hours after the event ends but if the trash is still all over 24 hours later and the township has to clean it up the \$500.00 won't be returned. Ms. Gatto said the fire houses do the same thing. Mr. Palmentieri said whenever anyone rents a facility there is a security deposit required.

Mr. Sasdelli said whatever tweaks the Committee make to the ordinance is one thing but the big decision they will make is when they put the budget together because if they fund the event, they are Township Events and the ordinance is irrelevant. He said if the Committee doesn't fund the events they are Special Events and all the things apply.

Mr. Palmentieri said it isn't irrelevant because there are always be special events that are not and never will be Township funded even if the Committee had money to burn so the ordinance would apply somewhere frequently to things that are beyond the budget debate questions.

Ms. Gatto said that having 15 days from receipt of a completed application to approval or denial seemed like a long time to her from a customer service perspective. She said she would advocate that time frame be shortened. Mr. Palmentieri explained the subcommittee found that to be pretty short for the reviews the police and administration have to make and compared to other towns. He said if it was shorter everything would be dropped to do these at the expense of other things that needed to be done during the course of a day and week. Ms. Gatto asked if the subcommittee got input from the police and administration on it. Mr. Palmentieri said they got the preponderance of other ordinances in the county. Ms. Gatto said she wanted the Township's people to chime in on it. Mr. Palmentieri said they may want 30 days. Ms. Gatto said that right after the 15-calendar thing in 235-6 it says the permit may be issued with special conditions on the applicant if warranted and that was not in the presentation. She said she was uncomfortable saying it could be issued with conditions without outlining what they could be or are limited to. She said she didn't want to see anything unreasonable coming across

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to an organization. Mr. Palmentieri said the Township has to give itself the ability to disqualify certain things unless they want to deny each application without the provision to modify it. He said he didn't think the Township wanted to give blanket denials for one little thing that they could conditionally approve. Ms. Gatto said in the Zoning Process where there are special conditions listed if they want to approve a variance and she was thinking it would be apropos to list out certain special conditions. Mr. Palmentieri said the Township will never be able to anticipate every possible event that might come down the line through every application and they have to have some flexibility to judge each application and on its individual merits. Ms. Gatto said she understood but, from a customer's perspective, she didn't want them to get any seemingly unreasonable special condition and then they can't perform the event. Mr. Palmentieri said there is an appeal process. Ms. Gatto referred to "G" of the reasons for denial that says an event can't be for the purpose of advertising a product, merchandise, or for private, profit or motives and she doesn't understand why the Township wouldn't want to allow people who were willing to pay it money who might be a private to have an event. Mr. Sasdelli explained the subcommittee had gotten that from another ordinance that they looked at and had it in and out of the proposed ordinance amendment. He said the thinking was that if Wal-Mart wanted to rent the park to have an event purely to promote Wal-Mart to benefit Wal-Mart for-profit, it would be covered under that and under the proposal they wouldn't be permitted to do it. Ms. Gatto asked if the Mays Landing Merchants' Association didn't also have a commercial motive to host an event. She said their motive is to bring in business, customers and marketing to people walking on the sidewalk and seeing the store front. Mr. Palmentieri said they are sponsoring a civic event and he thought that was the difference. He said what Mr. Sasdelli described was a purely commercial event versus a civic event. Mr. Palmentieri said it wasn't the sponsor being a commercial entity but the event being commercial versus a civic event. Ms. Gatto said she still didn't want to know why the Committee would want to keep a commercial event away if they are going to pay the Township money. Mr. Palmentieri said they aren't paying the Township any money they are only reimbursing it for potential costs so the Township isn't making any profit on any of these events. Ms. Gatto questioned what the problem was then. Mr. Palmentieri asked if she wanted the township facilities commercialized indefinitely and with no limitation of if she wanted the park and streets commercialized at all. Ms. Gatto said she would rather see the township facilities used. Mr. Palmentieri asked if she wanted that for commercial rather than civic events. He said it would be one thing if the Township was making money and charging Wal-Mart \$5,000.00 where the town and residents would be getting funds from the event but to have a commercial use township and the people's facilities, just having the costs covered with no benefit to the township, and only benefiting the commercial entity, you have to ask yourself if that is acceptable. Mayor Gaskill expressed concern about how it will be interpreted 2 or 3 years from now when many of the current Committee Members may be there. He questioned where the textbook definition of commercial profit was. Mr. Sasdelli said he can only tell the Mayor what was in the subcommittee's mind and that doesn't mean that is how it will be looked 2 or 3 years from now. He said there is a tattoo business on Main Street and they wouldn't want a Tattoo-in-the-Park every Saturday morning where people paid their money and got a tattoo or Loews there selling tools when the township has a hardware store. Mr. Sasdelli said that was their thinking but that may not be how it would come out 2 or 3 years from now. He said they didn't want people coming in and selling commercial merchandise competing against the bakery, Main Street Café or hardware store. Ms. Gatto said she thought more clarity was needed in there because she doesn't want it interpreted down the road that the Merchants are doing it for profit and not for a civic purpose. Mr. Palmentieri said they could expand the concept that they are talking about the event, not the sponsors in terms of being commercial so the Merchants sponsoring a civic event would be fine while Loews selling hardware and tools in the Park every Saturday wouldn't be.

Mr. Silva commented on having just gone through a list of events that would be backed by and sponsored by the Township and said they would be taken out of that consideration. He said he thought Mr. Palmentieri was right that it can be tweaked or adjusted but the thought the sole intent was for the purposed Mr. Sasdelli stated.

Ms. Gatto said she thought the subcommittee did a really nice job expanding the ordinance itself. She commented on it being said that parades and special events are not recreation and read the definition of recreation that she got from the internet. Ms. Gatto said she thought all of the special events provide relaxation and enjoyment and the ordinance should go to the Recreation Board for their opinion.

Mr. Silva said Ms. Gatto had options there because there has to be an introduction, advertising and public hearing of the ordinance and the Board is welcome to a copy in the meantime. He said he didn't think anybody was taking anything away from any of the Boards. Mr. Silva said that was why the subcommittee was careful when they started reworking this ordinance not to try to confuse it with a facilities use policy. He said they tried to keep it as simple as possible and as user friendly as possible. Mr. Silva said the Committee has a large stake in it because they can grant an exception if they choose to. Mr. Silva said they felt that having open discussion it could be moved in a way that would benefit everybody involved.

Mr. Palmentieri said it is important to remember that there is an antiquated, inadequate ordinance on the books now that covers these events. He said they aren't trying to introduce something new, they are trying to correct a deficiency that currently exists and leaves the township open for issues they don't want to occur that were the basis for what is proposed. He said he thought it is dangerous to do nothing and to leave

the antiquated ordinance in place unamended. Mr. Palmentieri said he thought that the key issue that definitely needs to be further explained is the definition and distinction between a commercial and a civic event regardless of the sponsors because they don't want to hinder anybody regardless of their nature from holding a legitimate civic event.

Mayor Gaskill asked if the TULIP coverage was funded through JIF and paid by the Township. Mr. Sasdelli explained that it wasn't funded through JIF but because many towns were have the same problem JIF sent out and found a private insurance company that could set up a program where certificates can be applied for on line. He said JIF partnered with the company to streamline the process. Mr. Silva asked if people are aware of that when they come in. Mr. Sasdelli said they are and it is used all the time. Mr. Silva suggested the information be included in the application. Mr. Sasdelli said it can be included on the application but the Township doesn't want to force them to use it because some people have their own insurance Mr. Palmentieri said some might have their own insurance and the Township might be suggesting incorrectly that they should or Have to use TULIP. Mr. Palmentieri said a lot of private entities have insurance in general that they can easily get a rider on for the one day event.

Ms. Gatto said she thought the revisions needed to be made before the ordinance is introduced. Mr. Palmentieri said the ordinance can be reviewed for some of the items that were discussed and definitely put in a definition for the distinction between commercial and civic events. He suggested it be put on the next meeting for discussion of the revisions. Mr. Silva said the 15 days could be discussed too. Mr. Pritchard said the Committee would have to move quickly at that point because there are only 3 meetings left. He said if the Committee decides on it on November 9th and it would be introduced first meeting in December and the public hearing at the second meeting.

#### **Community Development Block Grant (CDBG) Status**

Mr. Sasdelli explained this is just an update that the Committee requested at the last meeting and it is an action item. He said it is HUD money that comes to the Township through the County. He showed a chart of how much money was received each year, where it was allocated, what was spent and what is left. Mr. Sasdelli said the handicap curb cuts were put in on Main Street but were not put in on the other side of town when the township found out how much damage would be done by ripping up people's front yards to do it. Mayor Gaskill said it would have cost \$250,000.00 to get \$100,000.00 in grant money. Mr. Sasdelli said that money can still be spent on curb cuts or it can be reallocated. He explained the rest of the money received except the \$10,000.00 for the Senior Center went for housing rehabilitation. Mr. Sasdelli explained the \$3,000.00 left after purchase of the equipment for the Senior Center can be allocated for the installation costs.

Mr. Silva said there have been questions about making the Third Street Bridge handicap accessible ever since it was put in. Mr. Sasdelli said he thought that could qualify for funding but it has to be applied for to the County. Mayor Gaskill said the Township applied to the State for funding for that but it was turned down. Mr. Silva said the other thing was lighting at the bridge. The Mayor said the lighting is fine now.

Mr. Silva commented on a lot of the update being in response to Ms. Dix and he hoped the numbers are clear to her. Ms. Dix commented on the bridge being part of the County Bike Path and suggested the Township find out the County for it. She suggested that if they are moving forward on it the Township could hold its money. Ms. Dix said she thought there are other places handicap curb cuts could go. Mr. Pritchard said he didn't think the Bike Path is going to move too quickly.

Ms. Dix asked if the township was planning for something other than a ramp if they are putting in handicap access at the bridge. She said she thought some sidewalk could be put in there with in-house staff. Ms. Dix said maybe the CDBG would say the Township can spend all of that money on it.

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

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

#### 7.A Insert names of businesses:

- (1) TAP Enterprises -Transient Vendor tool sale at VFW October 16, 2009
- (2) Spirit Halloween Store #7501 - costumes/accessories store in Hamilton Commons
- (3) Verizon - distribution of fliers throughout the township during month of November promoting Verizon products
- (4) Alex Lyons & Sons/Jack Lyon - Transient Vendor equipment auction at Atlantic City Race Track parking lot

8.G Authorize release of \$29,634.84 being held in escrow as a performance guarantee for JB HVAC office project on Oakwood Boulevard contingent upon JB HVAC posting a 2-year maintenance guarantee in the amount of \$9,083.40 as recommended by Edward J. Walberg, Township Engineer, in letter dated October 14, 2009.

13. Add Personnel: Discussion of possible Teamster Concessions.

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

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There were no executive session confirmations to be made.

#### Early Public Comment on Agenda Items

Ms. Dix said there has to be a clear delineation of the costs that will be charged to the \$500.00 deposit in the Special Events Ordinance. Mr. Silva said at the end you have to list everything you charged to a security deposit. He said the other option is that a courtesy call may take care of it if they didn't remove something within the set period of time.

Ms. Dix referred to the October 20, 2008 minutes and said the Township Committee apparently had a memo from Mr. Sasdelli regarding the RFQs and indicating that the prosecutor and public defender are employees and do not need an RFQ. She said she didn't know if the township knows what the PERS costs are but by saying they are employees enrolls them in the pension plan. Ms. Dix commented on people not being able to be a retired cop and get another job in the PERS pension plan. She suggested the Township Committee need to rethink taking the prosecutor and public defender out of the RFQ process. She said they need to put them back in the RFQ process and let people bid on the positions and put them outside the pensions. Ms. Dix commented on the Mayor recusing himself because of a conflict and said the other 4 members have to decide. She said her concern is the long term impact of what is done because that is what counts. Mr. Sasdelli said it wasn't the RFP that made them employees, the township salary ordinance did. He explained that he said if they are an employee under the salary ordinance the Committee can't treat them like professional appointments. Mr. Sasdelli said what Ms. Dix is saying can be accomplished but it would be through the salary ordinance not the RFQ process. Ms. Dix said she has the ordinances and when she lined them up things popped in and out and in September of 2008 things were restructured in September of 2008 and a whole new salary ordinance was done that negated all the other ordinances and job titles were created. She said that is where she saw this problem come up. Mr. Sasdelli said they were in the old salary ordinances as employees even in the ones that ordinance superseded. Ms. Dix they were annual appointments and now they are employees. She asked how the Township would get rid of them if they don't show up for 3 days. Mr. Sasdelli said it is still a one year appointment and that didn't change. Ms. Dix said there is no basis then on which to replace anybody because nobody else submitted an RFQ or letter of interest. Mr. Sasdelli said the selection would be done under the hiring part of the ordinance not the RFP because that pertains to professionals. Mr. Sasdelli said it is semantics and he isn't disagreeing that the Township shouldn't solicit competition for those positions but as long as it remains an employee it would be done through the hiring and resume process, not an RFP. Ms. Dix said they are professional people on the higher income scale and not the people on the payroll in the \$20,000.-\$30,000.00 range which is poverty. She said if they were contract employees like Mr. Lafferty and the Engineer the Township isn't paying their Social Security but paying those salaries and adding the pension, social security, federal unemployment tax the salary is going higher and higher and so is the pension.

#### 2010 Professional Services RFQ approval

Mr. Palmentieri said he thought he agreed with Ms. Dix's comment on hybrid employee and professional especially now that the Township is paying the full pension contribution on a fairly high salary. He said he thought the Committee should have professional contracts or standard type of employees. Mr. Palmentieri said the hybrid one is problematic to him and suggested it should be looked at fairly quickly. He said that in the original first year RFQs there was an Administrator's evaluation report that he found extremely valuable in evaluating the hundreds of pages of RFQs not only from the standpoint of time but the expertise somebody like Mr. Sasdelli has in looking at and evaluating those things. Mr. Palmentieri said he thought that piece of the process should be reinstated.

Mr. Silva commented on the number of responses the Township Committee Members go through and said it is always good to have the Administrator look at it. He said it helps the Committee and he was willing to put that back into the process.

Ms. Gatto asked if there was language on that in the RFQs before or if Mr. Sasdelli just did it. She said she didn't recall having the language in there before. Mr. Sasdelli said there was language for it in the original. He explained it was taken out because they are political appointments and the Committee can appoint anyone they want to and it is outside the Administrator's realm.

Mr. Silva asked if Mr. Sasdelli felt uncomfortable doing it the first time. Mr. Sasdelli said he didn't feel uncomfortable and loved it.

Mayor Gaskill said some of the restrictions in the RFQ served the Committee well and that he thought that by getting away from that last year the Committee was served well by different individuals that in some people's minds didn't meet the criteria. Mayor Gaskill said he thought the firm met the criteria and that he thinks the firm, not the individual, is important. He said he thought Mr. Lafferty's firm served the Township well for the last two years and saved the Township a lot of money. The Mayor said you have to be careful how much weight you put in it and what it boils down to is the firm versus the individual and he believes it should be the firm. Ms. Gatto said she thought the Committee was talking a summary sheet versus non-summary sheet right now.

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Mr. Sasdelli said focuses on the process, not the result bit if the Committee creates a process and asked him to review a bunch of applicants against the process, he will stack it that way. He said if the Committee says experience is important and there is an engineer with 21 years experience he will put that engineer against a firm that has only 6 years experience. Mr. Sasdelli if that is what the Committee asks for that is what they will get. He said sometimes if the Committee wants to appoint the one with 6 years it will pinch them.

Mr. Silva said he feels very strong about not appointing elected officials to any professional position within this community. He said he didn't know if that could be put into the RFP. Mr. Palmentieri said he agreed with Mr. Silva because he thought it raises many potential conflicts or perceptions that arise from that kind of situation that he didn't think the Committee wanted to create for themselves. Mr. Pritchard said he understood their concerns but his other concern is that if that person should be significantly less expensive the Committee would be doing the taxpayers a disservice by ruling out someone who might be charging less. Mr. Silva said he thought it keeps the process ethical, open, fair and honest. He said he thinks there is a great distrust of government officials today no matter what level they are serving in. Mr. Silva said he thought it sends a message loud and clear. He said that he feels very strongly about it and that the Committee would be doing themselves a great disservice no matter how cheap it is. Mayor Gaskill said he thought the Committee was setting themselves up for lawsuits by excluding public officials. Mr. Lafferty said he didn't think the Committee appointed any public officials. Ms. Gatto said the Members all have day jobs and have to make a living. She said she didn't know if that should be in the RFP or come up in the decision making process. Mr. Silva said he would make the same statement when appointments are made. He said feels very strongly about it not just for Township Committee appointments but for any of its other Boards. Mr. Silva said he understands they have to make a living there are a lot of ways they can do that. Mr. Silva said the Committee can bypass it now but he will stay on it in the months ahead. Ms. Gatto said she the Committee should definitely keep that in mind during their decision making.

Mr. Palmentieri said there were four items the Committee has to make a decision to evaluate further or not moved forward with at all. Mr. Sasdelli explained a decision on the prosecutor and public defender can't be made because they are in the salary ordinance. Mr. Palmentieri said it wouldn't go out for RFPs for those positions but an appointment couldn't be made until the salary ordinance is amended. Ms. Gatto said the Committee could solicit letters of interest and resumes per the current salary and hiring ordinance. Mr. Palmentieri said he didn't want to preclude the Committee from having responses if and when they do pass it (the amendment) so that they don't start the year with people they need. He said there is no commitment than any of them will get chosen either by not having the ordinance or by the Committee not wanting all but one of them. He said it gives the Committee flexibility to go either way and not be delayed in the process.

Ms. Gatto asked what would be used as criteria. Mr. Sasdelli if the Committee desires to other letters of interest in the prosecutor and public defender positions he suggested the Committee let him and Mr. Lafferty research the best tool for doing it. Mr. Palmentieri said he wanted to keep the options opened. Mr. Sasdelli explained it is not a professional appointment under the RFP listed for discussion. He said that has to do with Title 19 and professional appointments. He said if the Committee appointed another employee January 1<sup>st</sup> he wanted to discuss that with the Solicitor.

Mr. Silva said the Committee has always commented on Mr. Sasdelli being nonpartisan individual and that he serves the Township Committee well regardless of what party they represent. He said even after getting the report back it is still up to the Township Committee to appoint whoever they feel would be most appropriate for the position.

Ms. Gatto said the Zoning Board appointed a subcommittee of their members to review their RFQs and provide a summary. She said maybe the Township Committee should do that.

Mr. Sasdelli said he is comfortable summarizing the results but he is not comfortable making recommendations. Mr. Silva said that was all Mr. Sasdelli ever did. Mr. Palmentieri said that is what he was talking about, an executive summary report summarizing the results. Mr. Pritchard said he wouldn't disagree with the subcommittee concept under other circumstances but there will be new people on Township Committee next year and they wouldn't have a chance to be on the subcommittee and they would be making the decisions the first meeting in January. Mr. Palmentieri said they wouldn't have the experience to pull out the important things.

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

BE IT RESOLVED that the Township Committee approve the 2010 Professional Services RFQs including the preparation of an executive summary pursuant to the discussions just held and that 11 AM on Tuesday, December 8, 2009 be established as the response due date and time.

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

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Mizpah properties land sale

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

WHEREAS, the Township of Hamilton held a public land sale of certain township-owned parcels in Mizpah Village on Wednesday, October 7, 2009; and

WHEREAS, successful bids were received for fifteen (15) of the sixteen (16) parcels offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following bids offered at aforesaid public land sale be and are hereby accepted:

- A. Bl. 321/Lots 45, 47-59 & 61-82: Daniel Jassby/Burlantic Forests LLC \$5,000.00
- B. Bl. 327/Lots 36-41.02 & 42: Harold Burnett \$5,000.00
- C. Bl. 329/Lots 23-34: Michael Kelly \$5,000.00
- D. Bl. 334/Lots 1, 4-5, 7-8, 19-25 & 27-28: Daniel Jassby \$5,000.00
- E. Bl. 338/Lots 30, 32-35 & 37-46: Michael Kelly \$5,000.00
- F. Bl. 344/Lots 9-21, 24-25, 27-28 & 31-35: Daniel Jassby \$5,000.00
- G. Bl. 352/Lots 10, 12-17, 19 & 21: Randal Barlow \$5,200.00
- H. Bl. 353/Lots 10-29 & 32-33: Vernon Mincey & Nathaniel Lewis \$7,300.00
- I. Bl. 362/Lots 21-28, 30-35 & 38-41: Daniel Jassby \$7,000.00
- J. Bl. 364/Lots 1-9 & 48-62: Michael Kelly \$12,000.00
- K. Bl. 369/Lots 13-16 & 18-20: Richard McGonigal \$8,000.00
- L. Bl. 372/Lots 9 & 11-18: Richard McGonigal \$9,000.00
- M. Bl. 374/Lots 1-17, 22, 24 & 25: Richard McGonigal \$6,000.00
- N. Bl. 377/Lots 14, 17-21 & 28-31: Daniel Jassby \$5,000.00

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

Block 350/Lots 26-28, 30-33 and 36-43

Mr. Sasdelli explained that Block 350, Lots 26-28, 30-33 and 36-43 was offered for sale twice, the first time at \$20,000.00 and the second time at \$5,000.00 but no bids were offered either time. He said Mrs. Anderson has told him there are people who are still interested in it. Mr. Sasdelli asked the Committee if they wanted to put the property up for sale again and if they wanted to lower the minimum bid amount.

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

WHEREAS, the Township of Hamilton is the owner of lands hereinafter described; and

WHEREAS, the Township of Hamilton offered Block 350, Lots 26-28, 30-33 and 36-43 for public sale on July 29, 2009 with a minimum bid of \$20,000.00 and on October 7, 2009 with a minimum bid of \$5,000.00 and no bids were received on either occasion,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the Township of Hamilton, County of Atlantic, State of New Jersey shall sell to the highest bidder, at a public sale in the municipal building, 6101 Thirteenth Street, Mays Landing, NJ, all right title and interest of the Township of Hamilton in and to the lands described as follows subject to the terms and conditions set forth in the Notice of Public Land Sale as published in accordance with law and such other conditions as may be stated at the time of sale.

PROPERTY IDENTIFICATION: BLOCK 350, LOTS 26-28, 30-33 and 36-43  
PARCEL SIZE: 1.033 ACRES  
ZONING: MV, MINIMUM 1 ACRE  
MINIMUM BID: \$2,500.00

SPECIAL CONDITIONS: NONE

BE IT FURTHER RESOLVED that printed copies of the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale and stated at the time of sale. Said terms and conditions of sale are also available in the Township Clerk's Office. Said terms and all conditions shall survive closing and transfer of title.

BE IT FURTHER RESOLVED that the date, time and location of the sale shall be determined by the Township Administrator and the Township Clerk.

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

Mr. Pritchard 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 #1663-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the October 21, 2009 issue of the Atlantic County Record for a public hearing to be held on November 9, 2009 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE # 1663-2009**

**AN ORDINANCE AMENDING ORDINANCE 1656-2009, WHICH AMENDS CHAPTER 167 OF THE TOWNSHIP CODE TO PROVIDE FOR OR AMEND THE ADMINISTRATIVE FEES AND ESCROW DEPOSITS FOR CERTAIN APPLICATIONS BEFORE THE PLANNING BOARD AND/OR THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC.**

**BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and Sate of New Jersey that Ordinance 1656-2009, which amends Article II of Chapter 167 of the Code of the Township of Hamilton, entitled Development Fees, shall be amended to read as follows:

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

<b>DEVELOPMENT APPLICATION</b>	<b>REQUIRED FEE</b>
Minor Subdivision (preliminary and final)	
without variance	\$ 1,500.00
with variance	\$ 2,000.00
Preliminary Major Subdivision (preliminary and final)	
25 lots or less	\$ 7,000.00
26 to 100 lots	\$ 10,000.00
101 to 500 lots	\$ 12,000.00
over 500 lots	\$ 15,000.00
Site Plan, Nonresidential	
Under 5,000 SF of bldg.	\$ 4,000.00
Under 5001 to 10,000	\$ 5,000.00
SF of bldg. From 10,001 to	\$ 7,500.00
50,000 SF of bldg. From	\$ 10,000.00
50,001 to 100,000 SF of bldg.	\$ 12,500.00
From 100,001 SF of bldg. or greater	
Amendment or Revision	
To Approved Site Plan	50% of original fee
Residential & Mixed Use Development Site Plans (i.e. Planned Adult Community , Planned Village Development & Redevelopment Area)	
General Development Plan	\$ 5,000.00
Preliminary and Final Site Plan	\$ 7,000.00
Under 25 units or less	\$ 10,000.00
26 to 100 units	\$ 12,000.00
101 to 500 units	\$ 15,000.00
over 500 units	
Administrative Review	\$ 2,000.00
Extension of Approval	\$ 2,000.00
Conditional Use	\$ 500.00
Variance(s)	
Bulk	\$ 250.00
Use	\$ 1,000.00

Appeals or Interpretation \$ 500.00  
Pursuant to N.J.S.A 40:55D-70  
& 76  
Tax Map Revisions \$ Actual cost

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

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

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

WITNESSED:

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

\_\_\_\_\_  
JOAN I. ANDERSON, RMC  
TOWNSHIP CLERK

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

ROLL CALL: GATTO  
PALMENTIERI  
PRITCHARD  
SILVA  
GASKILL

ORDINANCE #1663-2009 INTRODUCED & PASSED FIRST READING OCTOBER 19, 2009.

PLANNING BOARD RECOMMENDATION RE: 45 MILL STREET AS AN AREA IN NEED OF REHABILITATION

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

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON DECLARING BLOCK 732 LOTS 59, 62, 63,, 65 & 75 KNOWN AS THE 45 MILL STREET STUDY AREA, TO BE AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, on June 1, 2009 the Township Committee of the Township of Hamilton adopted a resolution directing the Planning Board to conduct a preliminary investigation and hold a public hearing to determine if Block 732 Lots 59, 62, 63, 65 & 75 a.k.a. the 45 Mill Street Study Area, meets the criteria of the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) qualifying as an 'area in need of redevelopment'; and

WHEREAS, the Planning Board authorized the Director of Community Planning and Economic Development to prepare the Preliminary Investigation Report of the Mill Complex Redevelopment Area, which was submitted to the Planning Board Administrator on September 15, 2009, and

WHEREAS, the Planning Board, at its meeting of October 1, 2009, which meeting was properly notices as required by law, did conduct a public hearing and an investigation in to the conditions affecting the property in question, and

WHEREAS, the Planning Board did find, and so move by unanimous vote to recommend to Township Committee, that the area in question meets the statutory criteria pursuant to NJSA 40A:12A-5.c, d, and h, and

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

1. The recommendation of the Planning Board regarding the 45 Mill Street Study Area is accepted.
2. The Mill Complex Study Area (Block 732 Lots 59, 62, 63, 65 & 75) is declared to be "an area in need of redevelopment".
3. The Township Clerk shall forward a copy of this resolution along with a copy of the Planning Board resolution and the Preliminary Investigation Report to the Commissioner of the Department of Community Affairs for review and approval pursuant to NJSA 40A:12A-6.b.(5).

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

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

#### Consent Agenda

Ms. Gatto explained she had a conflict on the Alex Lyons & Sons Business Registration License approval and requested that Item 8.A, Approval of Business Registration Licenses be taken separately. There were no objections to the request.

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 Trick or Treat hours in Hamilton Township shall be 6 PM to 8 PM on Saturday, October 31, 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.

WHEREAS, Railroad Estates, LLC has submitted a written request for vacation of a portion of Sewell Avenue in order to comply with the condition set forth in Item 17 of the Hamilton Township Planning Board Resolution adopted October 1, 2009 granting preliminary approval to Railroad Estates, LLC major subdivision approval,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor is hereby authorized to prepare an Ordinance to vacate the portion of Sewell Avenue between Block 498 Lot 1 and Block 499 Lots 1 and 2 as required by the Planning Board for approval of a major subdivision Railroad Estates LLC.

BE IT FURTHER RESOLVED Railroad Estates LLC shall pay all costs related to completion of the street vacation.

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 Santore Sand & Gravel Inc. license be and is hereby renewed for the 2009-2010 year as recommended by the Township Engineer in letter dated October 8, 2009.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the amendment to TD Bank letter of credit #136192090093, performance guarantee for Spico Food Services, LLC (TACO Bell) reflecting a reduction to \$138,284.25 as authorized by Township Committee on October 5, 2009 be and is hereby accepted.

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

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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 amendment extending the expiration date of the \$243,533.94 Republic First Bank letter of credit #309502 to December 31, 2010 is hereby accepted, said letter of credit being the performance guarantee for The Preserve at Hamilton.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Chief Financial Officer is hereby authorized to release the \$29,634.84 being held in escrow as the performance guarantee for the JB HVAC office project on Oakwood Boulevard contingent upon JB HVAC posting a 2-year maintenance guarantee in the amount of \$9,083.40 as recommended by Edward J. Walberg, Township Engineer, in letter dated October 14, 2009.

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

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

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

- (1) TAP Enterprises -Transient Vendor tool sale at the VFW
- (2) Spirit Halloween Store #7501 - costumes/accessories store in Hamilton Commons
- (3) Verizon - distribution of fliers throughout the township during month of November promoting Verizon products
- (4) Alex Lyons & Sons/Jack Lyon - Transient Vendor equipment auction at Atlantic City Race Track parking lot

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the October 5, 2009 regular meeting and 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 Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$5,909,778.75 as of October 15, 2009.

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

#### Reports

Administrator: None  
Solicitor: None

Engineer/NJDOT Grant: Mr. Walberg reported the Township received \$180,000.00 from one of the two applications they submitted for 2010 NJDOT State Municipal Aid funding for West Jersey Avenue. He said it is for improvements to West Jersey Avenue from New York Avenue east about 1700 feet. He explained the applications were identified as Priority 1 and Priority 2. Mr. Walberg said this funding was for Priority 1 and he didn't know if there will be a second round. He said the amount was good because their cost estimate was around that amount and the State usually doesn't give you what you ask for. Mr. Silva asked if it would complete New York Avenue to West Jersey Avenue. Mr. Walberg said New York Avenue to West Jersey was last year's funding. Mr. Silva said there was another phase of New York beyond the bridge. Mr. Walberg said that is waiting to go out to bid and this funding is for West Jersey heading east from New York Avenue. Mr. Silva questioned how close it would go to Victoria Point. Mr. Walberg explained this is Priority and it was for 1700 feet and Priority 2 was for another 1750'. He said it won't reach to Victoria Point but will be close.

Timber Glen drainage basin: Mr. Walberg reported on the meeting he had the Timber Glen Engineer, Mr. Morley and Brett from Public Works and Ryan from his office on October 13<sup>th</sup> regarding the drainage basin problem. He said they walked the site and talked about the issues. Mr. Walberg said there is clear in his mind that it is an issue solely with the performance of their basin. He said the Township has its own issues down stream but it is clear there is an issue with their large wet basin. Mr. Walberg said they acknowledge there is an issue there that they have to deal with. He explained they will have machinery there tomorrow to dig pits to look at the soil conditions to determine why it isn't percolating to its proper level. He said he feels it is a ground water mounding and a saturation issue but they are going to look to see if there are any remedial measures that can be done. Mr. Silva asked if the basin was designed properly. Mr. Walberg said looking at the numbers it should work, it may not be optimal but it should work and it isn't working at all right now. He said when it went from a dry to a wet basin the intent was to have the water level at what would have been the bottom of the dry basin so the storage capacity would be approximately the same and there would be horizontal percolation. He said that is a little more difficult to than vertical percolation but there is no significant percolation happening now. Mr. Silva asked if they have any alternative means of diverting it if Mr. Walberg finds the basin isn't going to perform the way they thought it would so it won't flow under the expressway and flood Hamilton Walk. Mr. Walberg said if that is the case they have to increase the capacity of the basin. Mr. Silva asked if they were limited considering the geography of what they have. Mr. Walberg said it will be difficult but there is always a way. He explained what is being done tomorrow is the first phase; seeing what the existing soil conditions; and see what they are relative to what was submitted when the original design was done. Mr. Walberg commented on finding some other things to offer as to how they may be able to utilize some of their other basins a little better. Mr. Walberg said he didn't know what the remedies will be. He said they are looking at the perimeter on the Timber Glen side. Mr. Walberg said the developer has been cooperative to date and realizes they have a problem and they want to fix it. He commented on talking about other basins on their site and said it is premature to talk about it now. Mr. Walberg said the basin was as full as it has always been when they looked at it today and the line under the expressway only had about 2 inches in it. He said he assumed the one at Hamilton Walk was full but the intensity of the recent rain was minimal enough that they didn't get a big rush. Mr. Palmentieri said that before the weekend rain the basins at Timber Glen and Hamilton Walk still hadn't receded from the rain of three weeks ago. He said this weekend's rain wasn't concentrated enough to make either one overflow but they are still fuller than they should be. Mr. Walberg said the solution isn't simple but they are cooperating so far.

#### Township Committee

Ms. Gatto commented on the letter sent to the Mayor from a Girl Scout Troop Leader asking for a letter of congratulations for Maria Alecto who is receiving her Bronze Award and asked if the Committee could honor her for her accomplishments at a meeting in the same way they do Boy Scouts who become Eagle Scouts.

Ms. Gatto reminded everyone the Main Street Ghost Walk sponsored by the Historical Society will be held on October 23<sup>rd</sup> from 6:30 to 9:30 PM.

Mr. Silva said he hoped the public was sufficiently informed about the events that took place with regard to the Weymouth Bridge. He commended the Police Department for meeting with the County and working out the detours. Mr. Silva said he didn't know if any time frame has been given but he knows that the County has options they are considering. He said they don't know what the final results will be in terms of being able to make the repairs and the last he heard they don't anticipate an answer until December. Mr. Silva said there are consequences to replacing the bridge. He said there is a lot at stake and the biggest one to him at this point is the public safety issue in terms of the amount of dangerous traffic that proceeds through that area. Mr. Silva said he hoped the traffic has decreased on Gale Avenue as a result of the posted detours. Chief McKeen said the number is lower.

Mayor Gaskill thanked Lt. Tappeiner and whoever was involved in getting a better detour situation in place so quickly. The Mayor said it is a situation that is going to take some time and that was unfortunate.

Mayor Gaskill reported Brian Vaughn Thomas, a war veteran returning from three tours in Iraq and Afghanistan, is being honored at VFW on October 27<sup>th</sup> and said he would like a resolution thanking him for his service prepared. The Members were all in agreement to do that.

#### Public Comment

Aline Dix commented on her understanding of the Pinelands re-review process after the Planning Board makes an approval and that if something isn't right Pinelands keeps holding them up forever. She said the names of people who speak at a Planning or Zoning Board meeting are added to the list sent to the Pinelands Commission as part of the approval documentation and they get letters from Pinelands. Ms. Dix said the one she has dated October 7<sup>th</sup> in reference to Summit Associates, a contract-purchaser in the Industrial Park, talks about changes that have to be made or revisions that occurred to the plans subsequent to receiving municipal approval; that a written determination from the municipality as to whether the revisions are consistent with the previous approval is

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required; and Pinelands can't take any final action until such written determination is received from the municipality. Ms. Dix said that nothing more is going to happen in this case until someone from this municipality communicates to the Pinelands that everything is in order. She said it is advantageous to the buyer in the case of an Industrial Park sale to delay settlement if it is on his side but with this purchase the public owns the land and needs the money. Ms. Dix asked the Committee to find out who is supposed to be answering this particular letter and whether it was sent in a timely fashion or if it is being worked on now to make sure the Township is doing what they should. Ms. Dix said the Township has to find a way to require and put in some kind of constraints on sales in the Industrial Park so that people can't hold the Township under long-term contracts at yesterday's prices when values go up and the Township can't get the money it needs for the government of this town. Mayor Gaskill said he thought Mr. Sartorio and the township staff get those letters and act on them but the Industrial Commission is a separate entity. Mr. Lafferty said he understood that all those contracts have been in place for years and encompass all the property in the Industrial Park. Ms. Dix said they are supposed to go to settlement when they get the approval but they can delay settlement until the final T and I are crossed and dotted by Pinelands. She said they shouldn't be allowed to delay it for 3 or 4 years. Mr. Lafferty said the contracts are with the Industrial Commission not the governing body. Ms. Dix said she didn't know if the required written comments had to come from the Planning Board Engineer, a Planning Board Planner or a staff person who she assumed was Mr. Sartorio. She said she will give the letter to Mr. Sartorio. Mr. Palmentieri asked if the Township Committee or Planning Board was copied on the letter. Mr. Sasdelli said the Planning Board Secretary was copied and that he will check on it with the Board Secretary and Mr. Sartorio.

Russell Bongiovanni said the word "rental" was not included in the title of Ordinance #1544-2005 establishing occupancy limits on residential properties and said it may have been an oversight on the part of the Committee and/or the solicitor Norman Zlotnick. Mr. Bongiovanni said the Ordinance was passed by Members Giordano, Mattle, Sacchinelli, Palmentieri and Pritchard. He said he had questions for Mr. Palmentieri, a democrat, and Mr. Pritchard, a republican, who voted for the Ordinance and are on the Township Committee at this time. Mayor Gaskill said this was not on the agenda but he would entertain Mr. Bongiovanni's questions and try to get the answers for him. Mr. Bongiovanni said he sent an e-mail to all of the Committee Members on this. He asked Mr. Palmentieri and Mr. Pritchard what their recollection of the purpose of the Ordinance was. Mr. Palmentieri said it was to establish occupancy limits according to what was then called the BOCA Code so that if someone brought in issues or problems the Township would have a legal means to address them. Mr. Bongiovanni asked if the Ordinance fulfilled that purpose. Mr. Palmentieri said he wasn't an attorney but he would say it did. Mr. Pritchard said he thought Mr. Palmentieri was pretty much correct that the Committee wanted a mechanism so that if there was something that was complaint driven they had the ability to act on it. He said he also recalled that he expressed concerns at that time that the Township didn't have the ability to enforce this and the property maintenance ordinances and he believes that has proven to be true. Mr. Pritchard said it is going to be more of an issue as the Township Committee continues to down-size government to where they don't have the people to enforce the ordinances and it will be very difficult to uphold and create any more similar ordinances. Mr. Bongiovanni commented on Mr. Palmentieri having being on the Township Committee ever since the ordinance was passed with the exception of the year 2008. Mayor Gaskill said the Township is down-sizing government and has fewer people than it did when the housing ordinance was passed so it has become an issue of enforceability. The Mayor said the Township would have to hire more people to enforce it and many of the Township Codes. He commented on it tying up court time and said three or four more people might have to be hired. The Mayor questioned what the Township do with individuals if they were found to be error of the ordinance. Mayor Gaskill said if the Township goes to the landlord and they won't act, the Township would have to act and the township and taxpayers would be liable for finding (the tenants) new housing on the taxpayers' dime. He said it is a good ordinance but it has some major set backs and he doesn't see any appetite to put more of a burden on the taxpayers to accomplish it. Mr. Bongiovanni said he appreciated the Mayor's comments but he wasn't finished asking his questions. Mr. Sasdelli said this is the public comment portion and that Mr. Bongiovanni should make his comments and the Committee can respond or not respond. Mr. Bongiovanni asked Mr. Palmentieri if the ordinance was enforced since 2005. Mr. Palmentieri said he didn't know because he isn't part of the administration of the Township he is part of the governing body that makes policy. Mr. Bongiovanni asked who is responsible to see that all ordinances are enforced and for enforcing this particular ordinance. Mr. Sasdelli said Mr. Bongiovanni knew the answer; it could be the administration, the police department or Code Enforcement. He said he didn't know who was responsible for this particular ordinance because he didn't have it in front of him. Mr. Sasdelli commented on preparing the slide presentation and said this matter wasn't on the agenda; it was done in 2005; he wasn't here in 2005; he had didn't read or look at it; he hasn't received any complaints and he hasn't seen any citations where people were cited against it but knows that this Committee said to him as a whole that they don't want to put people out of their house and onto the street. Mr. Bongiovanni asked if Mr. Sasdelli was saying that the ordinance wasn't enforced. Mr. Sasdelli said he didn't say that. He said the ordinance Mr. Bongiovanni read refers to another document that is entitled Property Maintenance and asked Mr. Bongiovanni if he had a copy of it in front of him. Mr. Bongiovanni said he didn't bring it with him. Mr. Sasdelli said it refers to the International Property Maintenance Code so it entails property maintenance, not just occupancy. He said there are issues with occupancy and Mr. Bongiovanni knows it is more complicated because he was in that business before. Mr. Sasdelli said this Committee has

not expressed any interest to go in and count square feet, how many people live there, say that it is too many, put them out on the street and have to relocate them. He said this has been gone over, over and over and over again and there is no will to do it right now. Mr. Sasdelli said that is the answer to Mr. Bongiovanni's question right now but he doesn't want to hear it. Mayor Gaskill commented on this Committee and prior Committees choosing that it is not such a good ordinance because they aren't going to put people out on the street. He commented on people moving in with each other because of the economic situation and said that the Committee can't ask the rest of the taxpayers to take on the burden of housing these people in even better housing. He said it would be irresponsible for the Committee to do that and to put people out on the street with 3, 4 or 5 kids or parents who are living with their children. The Mayor said the Township has to be a little more compassionate than that. Mr. Bongiovanni asked what about having the same compassion for the taxpayers who have to pay for units that may be over-occupied that demand services of the township and the school system. Mayor Gaskill said Mr. Bongiovanni's point on that was noted but, in his view, it would cause the taxpayers an excessive burden because the Township doesn't have the money to pay for it. Mr. Bongiovanni said 16 of 23 municipalities in the County have residential rental ordinances because they think it is important to add to the quality of life and to help with the over-occupancy which is a burden on the taxpayers. He said he couldn't understand this Committee's resistance to this if 16 other townships in the county and hundreds of others in the state have the same ordinance. Mr. Bongiovanni said that the Committee is trying to stop enforcement of the ordinance instead of trying to resolve their concerns.

Cheryl Fetty said she is a member of the Historic Preservation Commission which is an arm of the Planning Board. She said she was told this year that the Park would be lit but the tree lighting ceremony would not be funded. Mrs. Fetty said she went to the Historic Society and they have the insurance and that it didn't cost them anything. Mr. Sasdelli said the Commission is covered as an arm of the government. Mrs. Fetty said the Committee Members might not think \$50-\$100.00 for insurance isn't much but she couldn't go to the Historic Society and ask them for the money. She said the Historic Commission is backing the tree lighting ceremony. Mrs. Fetty said she didn't understand how the Veteran's Board can have their affairs and don't have to go out for donations for their events because they are an arm of the government but the Historic Commission can't. Mr. Sasdelli explained that the 9-11 and Veterans' event were not cut out of the budget when some events were cut, but the tree lighting was one of the items cut out and that is what made the distinction. He explained the tree lighting is one of the events that trigger more overtime because it occurs at night and requires some Public Works overtime. Mrs. Fetty said Memorial Day and Veterans' Day are holidays off and involve overtime. She said the Society got it covered and there will be a tree lighting ceremony. Mrs. Fetty said she talked to Mr. Morley and everything is moving along.

Mrs. Fetty referred to the Occupancy Ordinance and said that in 2002 she brought in pictures of problems on her street. She said the residents waited and let the Township do their thing. Mrs. Fetty said in 2004 the residents and people from other parts of town got together again, came to the Township Committee and were asked to wait until after election day. She said that in 2005 she and 2 other people volunteered and worked with Ingrid Perez and Mr. Perugini on ordinances. Mrs. Fetty said she personally got the occupancy code from the library as a sample and the Township adopted it word for word and separate from the property maintenance code. She said the Abandoned Auto, Property Maintenance and Occupancy Ordinances are all separate ordinances that are on the books and she doesn't understand the Committee not wanting to enforce any of them. She said the Committee Members may not have the problem on their streets but she does and she feels that she wasted her time for years. Mrs. Fetty said there are drug dealers on her street that they can't get rid of and a landlord who doesn't care as long as the tenants pay the rent. Mrs. Fetty said they over occupy the apartment and rent beds to people. She said she has lived in her house for over 30 years and is afraid to walk on her street at night now. Mrs. Fetty said she never had that problem before. She said it isn't fair and (the residents) will take it to the Press or fill town hall if they have to. Mrs. Fetty said she pays taxes, doesn't have children in school and the only thing she puts out is trash. Mrs. Fetty said the police have to patrol her street because of that house, not the other residents. She said it isn't fair to the children living there who are living with trash and drugs all around them. Mrs. Fetty said she understood not wanting to put kids on the street but the Township could call DYFS and get them out of there. She said they worked hard for those ordinances and questioned why they are on the books if not enforced. Mrs. Fetty said John Sacchinelli was on Committee then and saw her street. She said that one of the first things Mr. Gaskill said when he came to her door was that he was going to clean up Pennington Avenue if he got elected and he didn't do it. Mayor Gaskill said she knows the police are there all the time. Mrs. Fetty said the police walk up and down and ride their bikes up and down her street all the time but they can't be there 24/7 and can't always catch it all the time.

Rich DeFeo said the Township owns the lights for the Christmas tree and asked if someone who had insurance could put them up. Mayor Gaskill said the employees are putting the lights up and making sure they are operating properly.

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Mr. DeFeo said he sympathized with Mrs. Fetty. He said that where she lives is probably the worst area in Mays Landing and he didn't think it is like that in other parts of the Township. Mr. DeFeo suggested concentrating on going there more often might discourage them and get them out of there. Mayor Gaskill said that just because the residents just don't see the officers there in uniform it doesn't mean that they aren't there. Mr. DeFeo said the people from there hassle you for money.

Charles Cain said he owned rental properties and a 2 bedroom unit in the center of town. He commented on the lease stating there was a maximum of 2 children and 2 adults in it. He commented on spending over \$65,000.00 to renovate the property and said he got the first month's rent and security deposit but that was last money he ever got. Mr. Cain said he stopped many times to collect his rent and find out why he wasn't getting it. He said the lease said no pets and when he pulled up to the house cats were lined up across the front windows. He said electric was included in the rent and the tenants had plugged something in every outlet. Mr. Cain said he got the police to let him in and found 5 children there; the washer and dryer had been taken out and sleeping bags had been put in their space. He said he had to go through the court process and it took months to get them out. Mr. Cain said sometimes enforcement is not a bad thing from a landlord standpoint and that he didn't think anyone sitting here tonight would condone 5 children sleeping on the floor in sleeping bags. Mayor Gaskill said Mr. Cain is a conscientious landlord.

Mr. Cain said he was asking for Wayne Choyce whether the drainage basin at Timber Glen was it built to township specs or if a design waiver or variance was issued when it was built. Mr. Walberg explained it was initially designed and built as a dry basin. He explained that when it was changed to a wet one they had to come back to the Planning board with drawings, etc. He said all the required documentation was resubmitted and it met all the design requirements. Mr. Walberg said no design waiver or variance was issued that he is aware of. Mr. Cain said he and Wayne Choyce want to find out if anything is being done in moving forward to find out whether the basins that are failing were built to standards or a waiver or variance was issued. Mr. Walberg said he submitted a proposal to the Administrator for doing a study of all the basins in the Township and it is going to be talked about tomorrow.

Mr. Cain referred to Ms. Dix's comments on the property in the Industrial Park. He said he understood it is the Industrial Commission's role but as a resident he questions why the Industrial Commission has total control over a piece of property owned by the Township taxpayers. He said he believes that once the property agreement is settled it has to come back to Township Committee for final approval. Mr. Cain said tying property up for a long period of time and then selling it for the same price is one thing but the township shouldn't short-sell property. He said that agreeing on a price, tying it up for many years then writing an ordinance to change zoning to give 22 more uses, double the building height and increase the impervious coverage from 30% to 65% is akin to him agreeing to sell a ranch home, agreeing on a price and then putting a second story on it, a garage and a pool in the back.

Mr. Cain questioned the status of the old cotton mill site. He said it is in terrible disrepair and falling down. Mr. Cain questioned where the Township stood with getting a fence or getting it cleaned up. He asked if there was any concern about chemicals. Mr. Sasdelli said it is being monitored by DEP. He said the Township Committee directed Mr. Sartorio to do quarterly status reports on all redevelopment sites and he just did the first one. Mr. Sasdelli said it is public information and that he would give a copy to Mr. Cain. He said they are still spending money and had to do a historic artifact review. Mr. Pritchard said the owners came before the Planning Board a few months ago for approval to demolish some of the fire damaged buildings and they got the approval. Mr. Silva said they are responsible for portions of the repairs to the dam also.

Harvey Kesselman suggested the Committee consider having a waiver process built into the Special Events Ordinance because there may be times the Committee would want to waive the fees given the nature of the organization wanting to use it. He commented on there being different kinds of sponsorships. He said direct sponsorship would be when the Township itself is sponsoring the event; indirect sponsorship would be where a governmental entity came in and ran the event and the Township could indemnify them or they could indemnify themselves; and no sponsorship where it is an outside entity. Mr. Kesselman commented on having dealt with a number of organizations trying to use space he is familiar with and suggested the Township should be reasonably prescriptive of the kind of events they want to utilize its land and police department and that it be clear what kind of event fall within the ordinance.

Mr. Kesselman said he was sure no one in the room wants to displace children but he thinks it is incumbent upon the Township Committee and Administration because they have the (occupancy) ordinance and know of areas where code enforcement might ameliorate some of the concerns they just heard. Mr. Kesselman said there could be selective enforcement. He compared it to not everyone getting a speeding ticket even though a lot of them are speeding. Mr. Kesselman said there may be specific areas where the Township Committee may want to utilize that ordinance because there may be other serious problems going on. He commented on knowing that the police know what they are doing and may have covert operations going on in that area but there are people particularly on that street (Pennington Avenue) where there are serious problems and the Township Committee needs to

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hold the owner of those homes responsible. Mr. Kesselman said there are ways that there can be a cost effective way of doing it if the Township just charges a fee upfront for those kinds of residential units. He said there are ways to enforce the ordinance without displacing children and adding an additional burden to the taxpayers. Mr. Kesselman said simply ignoring the ordinance is not acceptable under any circumstances particularly when they are hearing it over and over again. He said the Township is on notice basically.

Harry Rogers said he wanted to add his voice to those advocating enforcement of ordinances relating to residential home use. He said he would again advocate that the Township Committee seriously consider a rental ordinance. Mr. Rogers said it can be self-sustaining, properly administered and has a lot of benefits.

Mr. Rogers said the Planning Board agreed to designate the area across from the cotton mill as an area in need of redevelopment. He asked what the Township responsibilities be towards that designation, what obligations the Township incurs with it, if there will be tax holidays, or if any township resources will be devoted towards that redevelopment project. He asked what is going to happen going forward with this so the Township doesn't end up with another situation like the actual cotton mill. Mr. Rogers said that annex has a lot of the same problems that the cotton mill has because hazardous materials were used in construction, there will be remediation problems, and the area around it is subject to groundwater contamination. He asked if an environmental study was going to be done prior to the township committing any of its resources. Mr. Rogers asked what is going to happen with taxpayer money and township resources going forward on this project. Mayor Gaskill said it all has to go through the Planning Board process before it comes back to Township Committee. He said the Township is not the redeveloper of that project. Mr. Lafferty explained the next step in the process is a redevelopment plan with the developer. He said the Township is in the final stages of negotiating that with the cotton mill developer and it does not include any tax abatements. He said the Township doesn't actually get involved in the redevelopment. Mr. Rogers asked what it is going to cost the taxpayers. Mr. Lafferty said it won't cost them anything because the cost is all on the developer. Mr. Sasdelli said the other consideration is for more zoning uses. He explained that the zoning there now is manufacturing and they could want mixed uses, some residential, some retail, some office space and they would have the ability to do that under a redevelopment agreement instead of having to go to the Zoning Board for variances. He said the Township isn't giving them any money but redevelopment allows them to do certain things they wouldn't otherwise be allowed to do.

Mr. Rogers referred to the Mayor's comments about putting children on the streets asked for an explanation of how enforcing the law incur an obligation on the municipality when there is an infraction by the actual property owner. Mr. Lafferty said it is the New Jersey Relocation Act that says if the tenant is displaced at the direction of the municipality the municipality has an obligation to relocate them. Mr. Sasdelli said the Township had to do it before on certain occasions. He said they were put up in a local motel and they are still in the school system and draining our resources. Mr. Sasdelli said it doesn't necessarily mean they are out of the township. Cheryl Fetty said she thought that was only when the Township condemned property. Mr. Lafferty said he will check it out if the governing body wants him to.

Mrs. Fetty said more lights are needed for the tree lighting and if anyone wants to donate lights for the tree lighting the Township will accept them. She said that she has a website they can be purchased from and anyone interested can call her or Sue Giberson for the information.

Mr. Bongiovanni said he was in property management years ago and had people evicted. He said that neither he nor the Township was responsible for their relocation. Mr. Bongiovanni said he thought Mr. Lafferty was talking about state law that pertains to something else. Mr. Lafferty said he would look into it if the Committee wants him to. The Mayor said the Committee would have something for Mr. Bongiovanni at the next meeting.

Joseph Nickels said he agreed the occupancy ordinance should be enforced or repealed.

Mr. Nickels said it took 7 days to replace the Sugar Hill Bridge when it was wiped out in 1997. He said government can act fast when motivated to do so. He said it took help from Senator Gormley, the State, the township's two Assembly people at the time, the County and Township Committee to make it happen. Mr. Nickels said there was a similar situation when the Historic Commission didn't want the old Clover Leaf at Clover Leaf Lakes upgraded and it took a tragic accident that took the life of a young mother to get the State to move on it. Mr. Nickels said he thinks that was totally unnecessary. He said he senses the same problem on Gale Avenue. He said it needs immediate remediation and needs to go beyond the Township Committee and the County. Mr. Nickels said it has to go to the State and they have to know that winding road wasn't built for the kind of traffic it is getting now, the people who purchased there weren't looking at getting the amount of cars they are getting now and there are businesses that have to find a way to get their product market without the bridge in place. Mr. Nickels said this is another emergent situation and the Township needs to pull in as many entities as possible to get the bridge fixed.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the following Personnel Matters which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

- (1) Police Chief Search process
- (2) Possible Teamster Concessions

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

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

THE EXECUTIVE SESSION STARTED AT APROXIMATELY 8:59 P.M.

Mayor Gaskill recalled the meeting to order in the public meeting room at approximately 10:28 P.M.

Ms. Gatto moved, seconded by Mr. Silva, that the Township Committee reconvene in public session.

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

Confirmation of Executive Session

Mayor Gaskill reported there were no executive session confirmations to be made.

There being no further business to be considered tonight, Ms. Gatto moved, seconded by Mr. Pritchard, that this meeting be and is hereby 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