

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
DECEMBER 7, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ, was held on the above date with Mayor Nelson Gaskill presiding. Members present were Amy Gatto, Thomas Palmentieri, Charles Pritchard and Roger Silva. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Randolph Lafferty, Township Solicitor and 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 Act by posting a notice on the bulletin board in the municipal building, Mays Landing, NJ 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 on Monday, December 7, 2009 at 6:30 PM.

A moment of silence for private reflection was observed.

Atlantic County Utilities Authority annual budget presentation

Mr. Dovey, President of the ACUA made the presentation. He said the ACUA sewer and solid waste budgets are flat. He said they met with the Hamilton Township MUA last week and the ACUA sewer rates aren't going up. Mr. Dovey distributed copies of a report on tipping fees, solid waste tonnage, recycling tonnage, yard waste tonnage and recycling percentage rate for 2002 through 2009. He said they don't have the Township trash costs for the last three years because the Township was taking increased amounts of trash to Cumberland County Utilities Authority landfill. He said the Township recycling tonnage was pretty much flat the last several years but is down a little this year and that could be due to the economy and because the leaf season came later this year. Mr. Dovey said the Township's recycling collection contract and yard waste contract with the ACUA will remain flat. He said they have a rider on the contract for yard waste pick up from the condos as the Township requested. Mr. Silva said he understood it being tough to move the recycling materials because of the market and asked if it has picked up in any way. Mr. Dovey explained the market rebounded last December and they started moving material they had stored on site in January. He said it is no where near what it was a few of years ago and there was a significant drop in value due to the world economy. Mr. Silva asked if the ACUA saw any noticeable increase in amount of recycling in any other communities as a result of allowing recyclables to be mixed. Mr. Dovey said they think there was an increase in participation and volume except for economic conditions this year. Ms. Gatto said the more people recycle and put yard waste in the yard waste not in the trash, the less the Township tipping fees are and it is better environmentally. Mr. Sasdelli asked what the cost was for a ton of recyclables and a ton of trash. Mr. Dovey said the tipping fee for trash is \$63.00 a ton and that amount doesn't include the cost of collection. He said ACUA was able to offset the cost for recyclables to \$21.00 a ton. Mr. Sasdelli commented on Mr. Dovey mentioning earlier that the Township has been taking its waste to Cumberland County since 2008 and asked if anything was going on with the waste stream management control for it to have to go back to Atlantic County. Mr. Dovey said the courts decided 12 years ago that waste flow control was illegal but the Supreme Court overturned that ruling 3 years ago. He said the ACUA made a lot of changes in the interim. Mr. Dovey explained that when waste flow control was declared illegal the state said they would provide funding for debt service payments to 8 or 10 County Authorities and individual agreements were made. He explained ACUA was receiving \$5.6 million a year but it dropped to \$5.1 million the last two years and they have been told not to count on that money next year because waste flow control is allowed now. Mr. Dovey said ACUA met with the Atlantic County Solid Waste Committee (SWAC) and provided them with clarifications and answers to a number of questions. He said SWAC will meet next Tuesday to discuss recommending reinstating Waste Flow Control to the Board of Freeholders. Mr. Dovey said it will mean all trash will have to come to the ACUA and the reason for doing that is that ACUA has no assurance they will have the \$5.1 million from the State next year. Mr. Sasdelli asked if the Township will have to direct its waste flow to the ACUA if the Freeholders approve it. Mr. Dovey said that was correct. Mr. Sasdelli asked if there would be any decrease in the current tipping fee per ton if the ACUA gets that increase in volume. Mr. Dovey said the ACUA estimates approximately 104,000 tons are leaving the county, most of it commercial waste, and if it all comes back to the County the value would be about \$9 million. He said the ACUA doesn't need more than \$5.6 million and they could lower the tipping fees at that point but unfortunately it is a dubious industry, especially on the commercial end. Mr. Dovey said that the information coming to the Township on their tonnages is under-reported or misrepresented as far as the amounts and where it goes. Mr. Dovey said the information they get from the state is the best they can get. He said there will be thorough discussion of waste flow control when it gets to the Freeholders.

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Mr. Silva asked Mr. Sasdelli if the Township is contractually obligated to its current contractor if this passes and they are directed to take it to another landfill. Mr. Sasdelli said he wants to talk to the Mr. Lafferty and Ingrid Perez about the language first but he is sure there are notification procedures and that the Township has to give proper notice to get out of the contract. Mr. Silva asked if the ACUA numbers on how much they would receive if everyone is directed to take their solid waste to them are purely speculative. Mr. Dovey said they are. He said Buena, Buena Borough, Hamilton, Folsom and Estell Manor take their waste to Cumberland County and Hammonton takes theirs to the Camden County incinerator. Mr. Dovey said the differential for those municipalities is about \$13.00 per ton and the transportation cost would increase in three of those towns. He said Hamilton Township pays more for transportation but offsets it with tipping fee savings. Mr. Dovey said if the Township was bringing that tonnage to the ACUA this year the overall tipping fee deviation would be about \$88,000.00. Mr. Sasdelli said if the Freeholders approve the ACUA recommendation and everything remains the same as it is the Township will have to collect \$88,000.00 more from the taxpayers to pay the increase because it isn't budgeted now. Mr. Silva said the Committee has to think very hard about this because they are struggling to make up shortfalls and now may get hit with something they didn't anticipate. He said he hopes the Freeholders take a very serious look at it and realize what the impact will be on the Township's residents. Mr. Dovey said he is sure the Freeholders will do that and that it will be the main focus of their discussion. Mr. Silva said he thinks it would be very dangerous to make that move. He referred to a statement Mr. Dovey made about the money they received from the State and said that given everything being heard every day, it appeared to him that this move was probably instituted as a result the ACUA trying to keep themselves solvent and trying to find out where their shortfalls are. Mr. Silva said the Township has many other things to look at and there will be an impact if they have to look at that \$88,000.00. Mr. Sasdelli said that was why he asked if the ACUA would look seriously into it if they got the increased volume and Mr. Dovey said they would. Mr. Dovey said the ACUA will continue to look at other ways to reduce their costs but these are not are not operational costs. He said they greatly reduced their budgets for the past three years and by about \$1 million this year. Mr. Dovey said State government made that decision and the funding was supposed to be until 2016. He said this is the fall out from the State budget shortfalls and the ACUA has to be proactive. Mr. Dovey said that between the five municipalities he mentioned there will be about \$300,000.00 in additional costs. He said a number of alternatives are being looked at but the State doesn't allow them to look at the financial impact on the municipality. Mr. Sasdelli asked what the dollar increase would be to the host municipality if the ACUA gets that increased tonnage and who it would go to. Mr. Dovey it would be about 1/4 million dollars and it would go to Egg Harbor Township. He said you have to remember that nobody wanted the landfill years ago and it ultimately went to Egg Harbor Township. Mr. Dovey said Cumberland County tipping fee is \$13.00 less because they done quickly and the land is less expensive there. Mr. Sasdelli said there is a lot more open space in Cumberland County.

Mr. Silva said he hopes the governor addresses some of these issues like State-mandate/State-pay. He said it seems everything gets compressed down on the municipality and the day of reckoning is coming. Mr. Silva said he thinks everybody is going to have to face reality.

Mayor Gaskill said this Township Committee has done due diligence to save tax payers money and now the State does this. Mr. Dovey said 25 years ago the State ordered the County to build the facility and didn't give them any money because the county had waste flow control. He said when that system was overturned the counties were to get debt service funding from the state until 2016. Mr. Dovey commented on now possibly being the worst time financially to be talking about \$300,000.00. Mayor Gaskill said he is concerned about what will happen to the excess money once the ACUA reaches the \$5.6 million mark that Mr. Dovey said they need. The Mayor said he thinks there should be something in the resolution about that and that he would rather see it rebated back to the municipalities. Mr. Dovey said that was a reasonable request. Mr. Dovey said that unlike other authorities, the ACUA meets with the municipalities and Freeholders every year and tells them what the ACUA budget is before it is introduced. He said wastewater and solid waste are two different things with different factors but ultimately the ACUA is accountable to the County Executive. He said the Township Committee has the ability to comment on the ACUA budgets through their Freeholder Representatives.

Mr. Pritchard said Mr. Dovey made a very informative presentation there about solar energy at the Pinelands Mayors' Council meeting last Monday. He said it might behoove the Township Committee to have Mr. Dovey come back and make that presentation early next year in reference to the Township's solar energy project.

There being no further questions or comments, Mr. Sasdelli thanked Mr. Dovey and his team for coming.

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

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

8.A Insert names of businesses:

- (1) Orient Impressions II - gift items & jewelry sales in Hamilton Mall
- (2) Rocky Mountain Chocolate Factory - candy store in Hamilton Mall
- (3) Bengi Trading - gift store in Hamilton Mall
- (4) Lids - hat sales in Hamilton Mall
- (5) Seashore Communications - home internet service on Gasko Road
- (6) Karina Boutique - gifts & accessories store in Hamilton Mall
- (7) Brow Designs - eyebrow grooming business in Hamilton Mall
- (8) Never Too Spoiled LLC - clothing/gifts/jewelry/accessories store in Hamilton Mall
- (9) American Auto Salvage & Recycling - towing/recycling (junkyard) business on Route 50

8.K Authorize refund of duplicate 2009 tax payment - Bl. 1132.08/Lot 2 \$1989.00

10.B Insert bill list total: \$1,631,223.66

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 excluding those listed for public hearings

John Sacchinelli wished Deputy Mayor Roger Silva a happy birthday.

RFQ for concessionaire to operate the Cove for the 2010 Swimming Season

Mr. Palmentieri said that over the past couple of years the Township has had problems budgetarily speaking and the Committee did whatever they could to have responsible budgets. He said that, in the process, they were forced to forego funding a number of things and one of them was swimming at the Cove. Mr. Palmentieri said the Committee is being asked to explore ways of restoring swimming at the Cove without any taxpayer funding involved.

Mr. Sasdelli explained that a lot of things had to be trimmed from the budget in 2009 because of spending caps, tax levy caps, furloughs, wage freezes, layoffs and tax increases. Mr. Sasdelli explained the swimming operation at that time cost the Township \$40,000.00 a year because the Township was spending about \$75,000.00 for the swimming operation at that time and taking in \$35,000.00. He said that cost the Township \$40,000.00 a year and it didn't survive the budget process. Mr. Sasdelli said the Township Committee wanted to continue it if it could be done without affecting the tax levy cap, spending cap, and without making the rest of the taxpayers subsidize the rest of the users of the Cove. He said one of the things discussed was whether a private vendor might be interested in operating the Cove as a concession. Mr. Sasdelli said they would be able to sell food, swimming, picnics, host little birthday parties or whatever and sell beach badges so that the Township would not be involved in it. He said Mr. Palmentieri asked him in late summer to put it on an agenda for discussion but it didn't make it until now due so many things that were happening. Mr. Sasdelli explained the provision in Purchasing Statute called Competitive Contracting that allows the municipality to do franchises and concessions. He said an RFP is advertised to find out if there are any vendors interested in giving a proposal. Mr. Sasdelli said it doesn't have to be to the highest or lowest bidder, the Committee can choose whoever they want to. He said the goal is to see if there is a vendor who would be interested in running it June, July and August without any taxpayer revenue.

Ms. Gatto said she thought it was a great thing to do in parallel with the Committee's continuous discussions and efforts to work with the County and try to find the best way to provide swimming on Lake Lenape at the best value for any and all users, residents and taxpayers.

Mr. Silva said he thought the timing is good because the Committee would have all the information before they get into the budget discussions. He said he and Ms. Gatto will be talking to two Freeholders next week about possibly looking at the Cove because of their interest last year. Mr. Silva said there is a meeting at the Library on the 22nd because the county is making major renovations to Lenape Park and he thinks they are spending close to \$600,000.00 for it. He said there may be a lot of good ways to bring this back onto the table and the more information the Township has, the better off they will be in looking at the numbers they will be dealing with.

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Mr. Pritchard said it is imperative that the Township Committee have representation at the meeting on the 22nd because there have been a lot of issues from the residents and the Township Committee about how the County has handled the situation at Lake Lenape.

Mayor Gaskill said he thinks is a very good idea but his concern is that the Township has an ordinance that sets the daily and seasonal fee for the Cove he assumed that would have to be put in the RFP so the vendor knows what the Ordinance says because they have to be able to figure out if they can make any money or if there will be an ordinance change or how the Committee is going to go about that. Mr. Sasdelli said those are some of the details he plans to work out with the solicitor but he doesn't think the Township should be hamstrung by the ordinance because someone might say they could do it for \$7 more than the Township is charging and he thinks the Township should be flexible and entertain that.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator is hereby authorized to put together an RFP to solicit proposals for a Concessionaire to operate the Cove for the 2010 Swimming Season.

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

Citizens Service Act

Ms. Gatto said she asked for this matter to be on the agenda to make the public aware of the Citizens Service Act. She said she is pretty excited about. Ms. Gatto said the Committee looked at the Open Appointment Ordinance in 2007 that was proposed by the Citizens Campaign organization. She commented on trading e-mails with Renee today, the organization representative that presented the ordinance and said Renee stated this law is basically the Citizens Campaign ordinance with a few minor improvements. Ms. Gatto said another reason she asked for it to be on the agenda is that was to see how the Committee could marry the Finance Notice with the ordinance but it doesn't look like they have to do that work. She said she also wanted it on for discussion because the State provided a basic template form and when the Committee was considering the Citizens Campaign ordinance they put together a little more robust form that collected a little more information personalized to the Boards and Commissions in the Township. Ms. Gatto commented on having e-mailed it to everybody asking them to consider it through the end of the year and maybe it could be adopted and implemented for 2010 because the form the State put out is what was advertised for 2009. She explained the law says that if you are interested in serving on a Board or Commission you have to fill out a form. Ms. Gatto said the Committee has done it informally by requesting letters of interest and a resume but now the form has to be filled out. She said that is good because it puts a kind of standardized process in place and makes sure that all residents are treated fairly.

Mr. Sasdelli explained for the benefit of the audience and newspapers that this new law requires the following 4 things: (1) that all members of Boards and Commissions take an oath of office; (2) that the Municipal Clerk create a data base or a directory of all the municipal Boards and Commissions, all their membership and all the vacancies. Mr. Sasdelli said that is already being done. (3) creation of a form for citizens to apply for service in these entities. Mr. Sasdelli explained that when the directory is posted citizens would fill out the form Ms. Gatto alluded to and return it by a certain deadline. He said the deadline this year is December 17th and all of that is on the Township website. He said if a resident sees a vacancy on a Board they are interested in they can fill out the form and drop it off at the Clerk's Office. (4) it puts wording as to when an absence of an official turns into a vacancy. Mr. Sasdelli said when an absence turns into a vacancy is always a struggle if somebody misses a certain number of meetings.

Ms. Gatto asked the members to consider the form she mentioned and maybe put it back on the agenda in 2010.

Public Hearing/Adoption - Ordinance #1664-2009

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

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

December 7, 2010

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

WHEREAS Ordinance #1664-2009 was introduced and passed first reading on November 9, 2009 and was duly advertised in the November 11, 2009 issue of the Atlantic County Record for a public hearing to be held on December 7, 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 #1664-2009 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1664-2009

AN ORDINANCE TEMPORARILY PROHIBITING LEFT TURNS BY VEHICLES AT THE INTERSECTION OF GALE AVENUE (SOUTHBOUND) ON TO ROUTE 322 (EASTBOUND) AND REQUIRING SUCH VEHICLES TO TURN RIGHT (WESTBOUND) AND USE THE U-TURN AT THE INTERSECTION OF COUNTY ROUTE 559 TO PROCEED BACK TO US ROUTE 322 (EASTBOUND)

WHEREAS, the temporary closure of the Weymouth Furnace Bridge on County Route 559 has forced a significant increase in motor vehicle traffic on Gale Avenue that represents higher risk to safety of persons and property; and

WHEREAS, that increased traffic in both directions creates additional hazard at the intersection of Gale Avenue and Route 322, a hazard that can be reduced by a temporary left-turn prohibition at that intersection.

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. For the duration of the closure of County 559 at the Weymouth Furnace Bridge, the left turn on to Route 322 by vehicles stopped at the stop sign on Gale Avenue facing southbound is prohibited. Vehicles at the southbound stop sign on Gale Avenue at Route 322 are prohibited to turn left (East on Route 322) and will be directed by clear signage to turn right (West) at the Route 322 intersection of Gale Avenue and to use the ramped intersection of Route 559 and Route 322 for a legal U-Turn to proceed back East on Route 322.

SECTION 2. REPEALER. All Ordinances and parts of Ordinances of the Township of Hamilton heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 4. SUNSET CLAUSE. This Ordinance shall automatically expire when the Weymouth Furnace Bridge on County Route 559 is reopened to vehicular traffic.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
COUNTY OF ATLANTIC, STATE OF NEW JERSEY.

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 #1664-2009 INTRODUCED AND PASSED FIRST READING NOVEMBER 9, 2009
ORDINANCE #1664-2009 ADOPTED DECEMBER 7, 2009.

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Public Hearing/Adoption - Ordinance #1665-2009

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

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

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

WHEREAS Ordinance #1665-2009 was introduced and passed first reading on November 9, 2000 and was duly advertised in the November 11, 2009 issue of the Atlantic County Record for a public hearing to be held on December 7, 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 #1665-2009 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1665-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1139, LOT 2 AND BLOCK 381, LOTS 1, 2, 3, 4, 5 AND 10 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

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

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

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

SECTION 4. The following conditions of sale shall apply:

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

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

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

of the Deed granted to the purchaser for the recording:

- (1) Easement of utility companies and of governmental agencies or bodies.
- (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
- (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>Lot Size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
1139/2	.86 acre	Holly Street	RD-5	\$500.00
381/1-5 and 10	.75 acre	Melvin Newton Boulevard	MV	\$1,000.00

SECTION 6. SPECIAL CONDITIONS ON BLOCK 381/LOTS 1-5 AND 10: Successful bidder must consolidate all lots after purchase.

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.

ATTEST:

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

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

NELSON GASKILL, MAYOR

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

ORDINANCE #1665-2009 INTRODUCED AND PASSED FIRST READING ON NOVEMBER 9, 2009.
ORDINANCE #1665-2009 ADOPTED DECEMBER 7, 2009.

December 7, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1666-2009 be and is hereby introduced and passed on first reading and the Township Clerk is hereby authorized to advertise same in the December 9, 2009 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, December 21, 2009 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1666-2009**

ORDINANCE AMENDING CHAPTER 235 OF THE CODE OF HAMILTON TOWNSHIP AND ESTABLISHING GUIDELINES FOR APPLICATIONS, APPROVALS, PUBLIC SAFETY AND FACILITIES MAINTENANCE FOR PARADES, PROCESSIONS AND SPECIAL EVENTS HELD WITHIN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the Township of Hamilton adopted Chapter 235 entitled "Processions, Parades, and Public Assemblies" which provided for, *inter alia*, the required permits, exemptions and conditions of issuance of permits related to such events; and

WHEREAS, in the judgment of the Township Committee of the Township of Hamilton, it is in the best interest for these practices, procedures, rules and regulations to be modified.

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

SECTION 1. Repealer.

Chapter 237, §235-1 through §235-4, inclusive, shall be and are hereby repealed.

SECTION 2. Chapter 235, PARADES, PROCESSIONS, AND EVENTS, is

hereby amended to read as follows:

GENERAL REFERENCES

- Police Department – See Ch. 70.
- Parks and beaches – See Ch. 225.
- Peace and good order – See Ch. 228.
- Police Department, Extra-Duty Employment – See Ch. 70

§ 235-1. Purpose and Intent.

It is the purpose of this ordinance to clarify the process for the issuance of permits for parades, processions and special events and to provide guidelines for said events that protect the health safety and welfare of the participants and the public.

§ 235-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SPECIAL EVENT

For the purpose of this section "special event" shall mean any exhibition, show, athletic contest, running race, bike-a-thon, block party, parade, procession, entertainment, meeting, or other similar event sponsored by an organized group or individual having similar or common purpose or goal, occurring on or proceeding along a public street, other public right-of-way, or public property or building within the Township of Hamilton.

§ 235-3. Permit required for Special Events.

No person, association or corporation shall hold, conduct or take part in any exhibition, show, athletic contest, running race, bike-a-thon, block party, parade, procession, entertainment, meeting, or other special event in or upon any public street, highway or place in the Township of Hamilton without a written permit from the Public Works Director or their designee, to be issued and to be revocable at their discretion as they may deem conducive to the public welfare. Applications shall be filed with the Director no less than 45 calendar days prior to the date of the event and shall be accompanied by a \$25 non-refundable application fee and a minimum \$500.00 refundable deposit to cover any damage to Township property or cleaning required due to the special event. Permittee will be notified in writing should any such charge be assessed. All applications for special events shall be reviewed by the Police Chief or their designee for any event which has the effect, intent or propensity to draw a crowd or onlookers. The Police Chief shall also make recommendations for the proper method to provide adequate public safety and traffic control at all public street crossings that are included within the proposed area or travel route of the event. The Director may choose to have the application reviewed by any other appropriate agency at their discretion or as required to be in compliance with any applicable rules, regulations ordinances or other requirements that may apply.

§ 235-4. Application Process.

The permit application shall include:

- (a) The name, address and telephone number of the person requesting the permit.
- (b) The name, address and telephone number of the organization or group he or she is representing.
- (c) The name, address and telephone number of the person or persons who will act as chairman of the special event and be responsible for the conduct thereof.
- (d) The estimated number of persons to participate in and attend the event.
- (e) The number and type of vehicles, if any, to participate.
- (f) The date and time of the event, including any set-up or clean-up period.

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- (g) The location where the event is to be held, including the specific assembly and dispersal locations and the specific route and the plans for assembly and dispersal of the participants.
- (h) The attachment of any other required licenses or permits where appropriate.
- (i) The type, size description, and location of any signs to be erected by the organization in connection with the event.
- (j) Such other information as the Public Works Director or Police Chief may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

§ 235-5. Exclusion of certain parades and processions.

Nothing in this chapter shall be held or construed to apply to any funeral procession or parade incidental to or connected with any funeral, nor to any procession or parade of any body of police or firemen of the Township or National Guard of the state or troops of the United States of America.

§ 235-6. Conditions of issuance, denial and/or revocation.

The application for a special event or use of facilities shall be reviewed by the appropriate officials of the Township of Hamilton for compliance with this section and other ordinances, scheduling conflicts, special services required, and any other further information required. Upon full review of the application and the recommendations for approval or denial, the Public Works Director or their designee shall be authorized to issue a permit for the special event if approved. Approval or denial of such permit shall be made within fifteen (15) calendar days of receipt of a complete application by the Township. The permit may be approved with special conditions placed on the applicant if warranted. The permit is contingent on the possession of any other permits or licenses required by local State laws and regulations.

Applications for the special events permits can be denied at the discretion of the Township. The Township shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon other good cause shown. The Director shall issue a permit as provided for in this chapter unless, from a consideration of the application and from such other information as may be otherwise obtained, they or the Police Chief find that:

- (a) There is an outstanding approved permit for another special event or there is an established contractual obligation or prior historical relationship with the Township for a scheduled event or occurrence for a time and place that is so proximate to that applied for as to constitute a conflict therewith.
- (b) The conduct of the event will substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic contiguous to its location.

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- (c) The conduct of the event will require the diversion of so great a number of police officers of the Township to properly police the areas contiguous thereto as to prevent normal police protection to the Township.
- (d) The concentration of persons, animals and vehicles at the assembly point of the event will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area.
- (e) The conduct of such event will interfere with movement of fire-fighting equipment en route to a fire.
- (f) The event is to be held for the sole purpose of advertising any product, merchandise or event; is being held purely for private profit or commercial motive; or is for any unlawful purpose. This exclusion shall not apply to commercially sponsored civic events.
- (g) The event will be held at a location adjacent to a school at a time when such school is in session and the noise created by the event will substantially disrupt the educational activities of the school.
- (h) The event will be held at a location where it will substantially interfere with municipal construction or maintenance work previously scheduled to take place.
- (i) The information provided in the application is found to be false, misleading or incomplete in any material detail.
- (j) The applicant, sponsoring organization or any involved party to the application has on prior occasions damaged public or private property and has not paid for such damage or has not fulfilled agreed-upon obligations to the Township; owes the Township any reimbursement for costs associated with protecting the public welfare during prior events or for cleanup of prior events; or otherwise has not complied with the conditions of a previously issued special event permit.
- (k) The application was not submitted within the time frame outlined above in § 235-3.
- (l) For any legitimate reason of Public Safety identified by the Chief of Police or their designee.

§ 235-7. Event Priority.

Applications for special events will be scheduled on a first come first serve basis. When more than one complete application is received for the same date(s), the following priority order will apply:

1. Meetings or events directly sponsored by the Township Committee, Township employees for municipal purposes, and events directly sponsored by the Township Emergency Services Departments.
2. Meetings of Municipal Advisory Boards and Committees.
3. Meetings or events directly sponsored by Township Departments and/or employees for municipal purposes.

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4. Meetings held for the discussion of municipal issues.
5. Local, residential youth recreational activities or service organizations.
6. Other organizations.

§ 235-8. Fees for Municipal Services.

If it is determined by the appropriate officials that materials or personnel costs shall be required for the purpose of maintaining the general health, safety and welfare of attendees or participants in the special event, or the community in general, the Township reserves the right to require reimbursement of such costs. If reimbursement is required, the holder of the permit shall deposit with the Chief Financial Officer a sum of money to be determined by the Public Works Director and/or the Police Chief or their designee to be a reasonable estimate of the costs required. Payment shall be submitted by cash, check or money order no less than seven (7) calendar days prior to the event. Failure to remit these costs in a timely fashion may result in the denial or revocation of the permit. After the conduct of the special event the holder of the permit shall be required to pay the Township any additional amount determined to be due in reimbursement of the Township's costs within thirty (30) calendar days. In the event that the sum of money so deposited in advance exceeds the funds needed, the Township shall refund any excess deposit within thirty (30) calendar days after the holding of said special event. Services and Township personnel covered by this section shall include but not be limited to additional police (as outlined in *Ch. 70, "Police Department, Extra-Duty Employment"* in the Township of Hamilton Municipal Code), fire, rescue squad, and public works service personnel.

§ 235-9. Signs / Trash and Recycling.

Any signs erected in connection with a properly approved special event shall be removed within twenty-four (24) hours of the conclusion of the event. Any trash and recycling generated by this event shall be cleaned up within twelve (12) hours of the conclusion of the event.

§ 235-10. Special Conditions; Street Closings.

Any permit issued under this section may contain conditions reasonably calculated to reduce or minimize dangers to vehicular or pedestrian traffic and the public health, safety and welfare including, but not limited to changes in the date, time, duration or number of participants or attendees as requested by the applicant. Further, for the purposes of public safety and welfare, the Chief of Police may require and order the temporary closing of streets and/or the temporary prohibition of parking along such streets during the event, and shall direct the posting of property warning signs in connection with said event, as provided by law.

§ 235-11. Insurance/Indemnity.

- A. Prior to the issuance of a special events permit, the applicant and authorized officer of the sponsoring organization, shall sign an agreement to reimburse (i) the Township for any costs it incurs for repairing damage to Township property sustained in connection with and proximately caused by special event activities, for additional costs incurred by the Township for protecting the public welfare during the special event, and for costs incurred by the Township for cleanup and restoration of the special event route and/or assembly areas not properly cleaned up by applicant/sponsoring organization after the parade and (ii) Township residents, for any costs they incur for repairing damage to their private property sustained in connection with and proximately caused by special event activities. This agreement shall also provide that the applicant/sponsoring organization shall hold harmless, indemnify and defend the Township its officials, agents and employees against any claims, costs, damages, demands, liability and notices resulting from any damage or injury proximately caused by special event activities and the actions of the permittee/sponsoring organization in connection with the special event.

- B. The applicant/sponsoring organization of a special event shall possess or obtain public liability insurance in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the parade. Evidence of insurance, satisfactory to the Public Works Director or their designee, must be filed with the Director no less than five (5) calendar days before the date of the event.

§ 235-12. Penalties.

Any person, firm, corporation, partnership or other entity violating this provision of this section shall be subject to a fine not to exceed five hundred (\$500.00) dollars.

§ 235-13. Appeal Procedure.

Any applicant shall have the right to appeal the denial of any permit under this section to the Township Administrator. The denied applicant shall make the appeal within five (5) calendar days after receipt of the denial by filing a written notice of appeal with the Public Works Director or their designee. The Township Administrator shall act upon the appeal within 30 calendar days after receipt of the same.

SECTION 3. Severability and Effectiveness Clause.

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

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(b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date.

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

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

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 #1666-2009 INTRODUCED AND PASSED FIRST READING DECEMBER 7, 2009.

Introduction of Ordinance #1667-2009

Ms. Gatto explained the Finance Committee recommended this transfer based on their analysis.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1667-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the December 9, 2009 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, December 21, 2009 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1667 - 2009**

AUTHORIZING THE SALE OF OWNERSHIP OF A 2001 CHEVROLET CARGO VAN (DESCRIBED BELOW) AND 2006 CHEVROLET SCHOOL BUS (DESCRIBED BELOW) TO THE MIZPAH INLAND HUMAN SERVICES INC. AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the Mizpah Inland Human Services, Inc., is a duly incorporated nonprofit organization (not being political, partisan, sectarian, denominational or religious in nature) which includes among its principal purposes the provision of educational, recreational, medical and/or social services to the general public, including residents of the Township of Hamilton, is in need of real

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estate so as to conduct its not-for-profit community service programs; and

WHEREAS, Mizpah Inland Human Services, Inc., is desirous of obtaining certain personal property owned by the Township and more specifically designated as a 2001 Chevrolet Cargo Van VIN#1GAHG39RX11157718 and a 2006 Chevrolet 12 passenger handicapped accessible school bus VIN#1GBJU051105162; and

WHEREAS, the governing body of the Township of Hamilton has determined that this particular personal property owned by it is no longer needed for municipal purposes and therefore the Township of Hamilton is desirous of selling said personal property, pursuant to N.J.S.A. 40A:12-21.1, to Mizpah Inland Human Services, Inc., by way of a private sale for use by said organization consistent with their stated and lawful not-for-profit community service purposes and otherwise consistent with the purposes as set forth within said Statute; and

WHEREAS, N.J.S.A. 40A:12-21.1 provides for the sale of personal property to such non-profit organization for a nominal cost.

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

SECTION 1. Sale and Transfer of Personal Property.

The Mayor and other Township Officials are hereby Authorized to transfer title, pursuant to N.J.S.A. 40A:12-21.1 and the limitations contained therein, to a 2001 Chevrolet Cargo Van VIN#1GAHG39RX11157718 and a 2006 Chevrolet 12 passenger handicapped accessible school bus VIN#1GBJU051105162 to the Mizpah Inland Human Services, Inc. for their not-for-profit community service purposes for the consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration subject, however, to the following terms and conditions:

1. That such personal property shall be used only for the not-for-profit community service purposes of such corporation, and to render such services or to provide such facilities as may be otherwise agreed upon, and shall not be utilized for commercial, business, trade or manufacturing purposes, and that, in the event this condition is violated, and ownership thereto shall revert to the Township of Hamilton; and

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2. Otherwise, the personal property is being transferred "as is".

SECTION 2. Severability and Effectiveness Clause.

(a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

(b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

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

ATTEST:	TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC and STATE OF NEW JERSEY
_____ Joan I. Anderson, R.M.C.	_____ Nelson Gaskill Mayor

ROLL CALL: GATTO
PALMENTIERI
PRITCHARD
SILVA
GASKILL

ORDINANCE #1667-2009 INTRODUCED AND PASSED FIRST READING DECEMBER 7, 2009.

December 2, 2009 Land Sale Bid Acceptance

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 bid of Four Thousand Three Hundred (\$4,300.00) Dollars offered by Harold Burnett at a public land sale held on December 2, 2009 for the purchase of Block 350, Lots 26-28, 30-33 and 36-43, 1.148 acres on Scranton Avenue, be and is hereby accepted.

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

December 2, 2009 Land Sale - No bid report

Mr. Sasdelli explained there were bidders at the December 2nd sale but no one bid on any of the parcels listed as B.(1) through B.(7). He said that when he asked why they didn't bid, one said it was the timing and the other said it was the minimum bid.

The Clerk explained the listing of properties for which no bids were offered at the public land sale held on December 2, 2009 was for informational purposes and no action was required at this time.

Mr. Silva suggested this be brought back in the spring.

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

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

- (1) Orient Impressions II - gift items & jewelry sales in Hamilton Mall
- (2) Rocky Mountain Chocolate Factory - candy store in Hamilton Mall
- (3) Bengi Trading - gift store in Hamilton Mall
- (4) Lids - hat sales in Hamilton Mall
- (5) Seashore Communications - home internet service on Gasko Road
- (6) Karina Boutique - gifts & accessories store in Hamilton Mall
- (7) Brow Designs - eyebrow grooming business in Hamilton Mall
- (8) Never Too Spoiled LLC - clothing/gifts/jewelry/accessories store in Hamilton Mall
- (9) American Auto Salvage & Recycling - towing/recycling (junkyard) business on Route 50 (RENEWAL OF EXISTING LICENSE)

RESOLUTION ADOPTED 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 the following item of revenue be inserted in the 2009 Municipal Budget with an offsetting appropriation as follows:

Revenue Title: Edward Byrne Memorial Justice Assistant Grant \$43,437.00
Appropriation Title: Edward Byrne Memorial Justice Assistant Grant \$43,437.00

RESOLUTION ADOPTED 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 purchase of two (2) Ford Crown Victoria police cars from Winner Ford Fleet Sales under State Contract #A45069 is hereby authorized with funding in the amount of \$47,016.00 to come from the NJ Highway Safety Safe Corridors Grant.

RESOLUTION ADOPTED 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 release of Sun National Bank letter of credit #2007037, the performance guarantee for Phases I and II of the Delilah Oaks LLC Stone Crest subdivision Section II, (Block 1317/Lot 10) is hereby authorized contingent upon Delilah Oaks LLC posting the maintenance guarantees listed below as recommended by Robert J. Smith III, Township Engineer for the project, in letter dated November 25, 2009 and by Robert Perry, Landscape Inspector for the project, in letter dated November 2, 2009.

- 1) Phase I: 4-year stormwater management system maintenance guarantee \$7,707.28
2-year maintenance guarantee for all other improvements of \$34,135.14
- 2) Phase II: 4-year stormwater management system maintenance guarantee \$1,867.95
2-year maintenance guarantee for all other improvements \$32,920.60

RESOLUTION ADOPTED 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 release of Evergreen National Indemnity Bond #124500, the maintenance guarantee for the Lawrence Stone IV Stone Walk project is hereby authorized contingent upon Lawrence Stone IV providing a 10-year inspection and maintenance program guarantee for the stormwater management system as recommended by Robert J. Smith III, Township Engineer for the project in letter dated November 10, 2009.

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

December 7, 2009

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

RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER FOR EXPANSION OF PREMISES

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License 0112-33-034-005 for the purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the application form submitted is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, Atlantic County, does hereby approve the expansion of aforesaid Plenary Retail Consumption licensed premises located at 4501 Black Horse Pike, Mays Landing, New Jersey effective December 8, 2009 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

RESOLUTION ADOPTED 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 the Township Committee 2010 Reorganization be held at 6:00 PM on Monday, January 4, 2010 with the first regular meeting of 2010 to be held immediately following conclusion of the Reorganization.

RESOLUTION ADOPTED 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 pursuant to NJSA 39:10-A the Township of Hamilton Police Department is hereby authorized to sell the unclaimed/abandoned vehicles as set forth below at public auction at 10:00 a.m. on Wednesday, December 30, 2009, said vehicles being available for inspection at the towing facility listed:

Lot 1 of 1: Minimum bid: \$ 39,360.00

Year	Make	Model	Color	VIN	Title type
American Auto 3113 Rt. 50 Mays Landing, NJ 08330 (609) 965-2900					
1996	Dodge	Caravan	Green	2B4GP44R5TR736109	Auction
1990	Honda	Accord	Red	1HGCB7252LA041884	Auction
Dirkes Garage 6935 Black Horse Pike Mays Landing, NJ 08330 (609) 625-1718					
1995	Eagle	Summitt	Blue	JE3AA11A6SU011931	Auction
1999	Ford	Explorer	Beige	1FMZU34E6XZA51216	Auction
1998	Mercury	Mystique	Blue	1MEFM66L6WK642415	Auction
1989	Honda	Prelude	Red	JHMBA4247KC032635	Auction
E & T Auto Body 6553 Harding Highway Mays Landing, NJ 08330 (609) 625-9883					
2002	Mercury	Sedan	Maroon	1MEFM55S72G611321	Auction
1991	Chevrolet	Pick up	Blue	1GCDC14KXMZ149866	Auction
2003	Kia	Mini van	Black	KNDUP131836348718	Auction
Ed's Auto 965 Rt. 50 Mays Landing, NJ 08330 (609) 625-1332					
2007	Dodge	Nitro	Red	1D8GU58K27W570208	Auction
	Honda	Quad		748TE27063421172G	

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that it shall exercise its option to extend the Animal Control Services contract with Tri-County Animal Control LLC for a one (1) year period effective January 1, 2009 through December 31, 2009 at \$2,325.00 per month (\$27,900.00 per year) pursuant to an agreement between the parties dated January 20, 2009.

RESOLUTION ADOPTED 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 Raffle License #12-2009 for the Oakcrest High School Falcon Crew Booster Club calendar raffle is hereby approved, drawings for said raffle to be March 27, 2010, April 17, 2010 and May 22, 2010.

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY
TO REFUND A DUPLICATE TAX PAYMENT

WHEREAS, there appears that a duplicate payment was received on Block 1132.08 Lot 2 in the amount of \$1,989.00 in payment of fourth quarter 2009 property taxes; and

WHEREAS, a request for a refund was made by the prior owner's Mortgage Company, Fox Chase Bank, who made one of the payments; and

WHEREAS, a credit does exist in this amount on this Block and Lot and, therefore, should be refunded,

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

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 three (3) year Employment Agreement with Stacy Tappeiner as Chief of Police at \$115,000.00 per year effective January 1, 2010 through December 31, 2012 be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute said Agreement on behalf of the Township.

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 minutes of the November 9, 2009 regular meeting and executive session be and are hereby approved and adopted as published.

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

December 7, 2009

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 all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$1,631,223.66 as of December 3, 2009.

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

Reports:

Mr. Sasdelli said everyone knows there is going to be a budget gap of anywhere between \$1-\$2 million next year. He reported he met with all non-union, management and non-aligned employees and they all agreed to take 5 unpaid furlough days in 2010. Mr. Sasdelli said the Teamsters are voting on it tomorrow morning and he hopes it goes well. He said he hopes the Township will get the same thing from the police department. Mr. Sasdelli said that would be a good start towards addressing the 2010 budget gap. Ms. Gatto said she thought the new Chief was setting a good example with his 5 unpaid furlough days in 2010, 2011 and 2012. She suggested that a discussion item for the five Township Committee Members to consider doing that as well be listed on the first meeting in January it agenda. Ms. Gatto said she would make that commitment now. Mr. Sasdelli said he already included them in with the non-aligned employees. Mayor Gaskill said the thought it was very commendable of the non-aligned employees and Teamsters to start into the process before the Committee gets into the budget process realizing the situation, The Mayor said he thought it was very proactive on those employees' part.

Mr. Lafferty commented resolution to the Shore Memorial Hospital issue being negotiated and reported the executed deed granting the 20 acres back to the Township was recorded and has come back from the County Clerk's Office. Mr. Lafferty said it is now the Township's property for the governing body to do with as they see fit. Mayor Gaskill thanked Mr. Lafferty for all he did to accomplish that. He said all of the deeds for the Sunshine Park sale are signed and it should be accomplished by the end of the year. Mrs. Anderson said they just have to be notarized.

Mr. Walberg reported Timber Glen did the test pits on their basin to determine what is necessary and they are waiting for the results. He said they are moving forward to correct the problem and he will stay on them. Mr. Walberg said there are a couple of other drainage basins that have problems and they have started talking engineer-to-engineer about them. Mr. Silva said he knows they did the test pits and he is concerned about keeping the momentum up because of having been through more rain fall. Mr. Silva said the Committee talked about setting a time frame for them and he would like to have more definitive types of answers by the next meeting because of what Hamilton Walk had to deal with the past few days. Mr. Silva said he knew that what was accomplished at Hamilton Walk being successful but they probably never would have had the problems there if it wasn't for the Timber Glen basin failing. Mr. Walberg said he would give them a time deadline. Mr. Sasdelli said the Township wants an action plan. Mr. Silva commented on understanding that Mr. Walberg has been working with Timber Glen for sometime but sometimes it gets lost at this time of year. Mr. Walberg said they have to keep the pressure on them. Mr. Sasdelli asked Mr. Walberg if he had a chance to look at the Victoria Pointe basins or to talk to their engineer. Mr. Walberg said Victoria Pointe has several basins and that he had previously asked for work to be done on at least two of them and they did accomplish it. He said they met with them again and corresponded with them about what they need to work on, especially about the basin that is contributing to the flooding out on the road. Mr. Sasdelli said that was the one he was talking about. Mr. Walberg said he will stay on them also.

Ms. Gatto reported on Lisa Hedrick was ill and commented on her being a very valuable piece of the town hall. She wished her a speedy recovery.

Ms. Gatto complimented everybody who had a part in the tree lighting ceremony. She said it was beautiful as usual.

Ms. Gatto reminded the public that the Committee can't appoint them to a board or commission without them filling out the form this year. She asked that anyone interested in serving get their form in by December 17th.

Mr. Palmentieri said that in retrospect Mr. Sasdelli's quick and decisive action on the Hamilton Walk/Timber Glen basin/flooding problem was very necessary since they (Timber Glen) moved forward in muddy conditions and didn't wait for the ground to dry. He said it still hasn't dried. He said the capacity that was done in the wet conditions was absolutely necessary to prevent fairly damaging flooding

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with rain almost every other day since it was done 2 or 3 weeks ago. Mr. Palmentieri said he thinks it is still only a temporary. He said the road by the Hamilton Walk basin was under water today. Mr. Palmentieri said he thinks the Timber Glen problem has to be addressed; that the Township has to push for the solution; and that the work has to be completed prior to the spring rainy season. Mr. Palmentieri said that gives Timber Glen the winter to finalize a plan, begin construction and hopefully finish it by the end of February. Mr. Walberg said that was a realistic time frame.

Mr. Pritchard said he echoed Ms. Gatto's comments regarding Lisa Hedrick and expressed hope that she would be back soon. He thanked everyone who was involved in the tree lighting ceremony, especially the Public Works Department who he said did more with less. Mr. Pritchard said it is a source of pride every time he rides by the park at night. He said many compliments have been received about how beautiful it looks. Mr. Pritchard gave a special thanks to Ed and Joe for doing a great job.

Mr. Silva reported receiving phone calls about work being done at Horizons at Woods Landing. He said it has been a long time coming and he is glad to see start seeing the fruit of the negotiations. Mr. Silva said the Committee looks forward to seeing that community completed and to the residents having the neighborhood they bought into.

Mr. Silva commented on the Committee Members having attended a JIF training session for elected official and asked Mr. Sasdelli to report on the funding it generated. Mr. Sasdelli explained the JIF gives the municipality \$250.00 for every elected official that attends the training. He said four of the sitting members and two members-elect attended. Mr. Silva said it was nice to see the Committee Members-elect attending. He said insurance/risk management is one of the things the Committee looks at in trying to manage the money they spend. Mr. Sasdelli said the premiums are just under \$1 million. He said commented on sitting with two Egg Harbor Township Officials at that meeting and said this township knows what they are looking at in 2010 but Egg Harbor Township deferred their pension, used all of their school deferral, used all their surplus and didn't lay anybody off so they don't know where they are going to get their money from.

Ms. Gatto reported the Finance Committee had a meeting to bring the Committeemen-elect up to speed on the budget and said they had some good ideas. Ms. Gatto said she thought there would be more ideas forthcoming. Mayor Gaskill thanked Ms. Gatto and Mr. Palmentieri for doing that.

Mayor Gaskill thanked the Public Works Department, Historic Society and Merchants for the great job they did at the tree lighting ceremony. He commented on people walking by and people from other towns saying how beautiful it is.

Mayor Gaskill wished Lisa Hedrick the best and said he hopes she is back soon.

Public Comment

John Kurtz said the tree lighting ceremony is put on and sponsored by the Historic Preservation Committee. He said it came to their attention early on that there were some problems with getting what was needed to finish the job. Mr. Kurtz said the merchants were able to secure the funds for 160 additional sets of lights by making some phone calls and through the generosity of a lot of residents. He said the Public Works people did an exceptional job. Mr. Kurtz explained some of the packages that were made by one of the public works people a few years ago were in need of repair and some Association Members spent time and donated materials to rewrap them so they could be displayed in the park this year.

Mr. Kurtz said he hoped that when the Committee considers the ordinance introduced tonight regarding parades they would pay particular attention to allowing some language to be inserted that would give the Committee the right to waive some of the fees, rules and regulations imposed under certain circumstances. He cited as an example an organization that had a track record of doing a good job in what they have to do to pull off events in the parks. Mr. Kurtz said he believed the Committee has to pay a little attention to having language in the ordinance when it is written to waive fees and things like that for certain organizations that have lived up to cleaning up the grounds and area they utilized. He commented on the 300th anniversary of Mays Landing Celebration coming up in 2010 and said there is a time capsule in the Park that is supposed to be opened in September of 2010. Mr. Kurtz said there hasn't been too much mention of it and he is sure it is due to the budgetary crisis. He wondered if it could be clarified at one of the meetings if anything at all is going to happen and if the Township is going to help in some way to make a tri-centennial celebration happen. Mr. Kurtz said that in

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that way maybe other organizations can shed light on what the merchants already have planned. He said he would like to see something worked out in conjunction with the Township Administrator and Officials. Mr. Kurtz said it is a big event and he would hate to see it swept under the rug. He said he knew the officials had been thinking about it and that it is hard with the budget situation the way it is. Mr. Kurtz said the Association and other organizations in town have ideas and he thinks they have to get together as a committee or group to bring up the dates, specifically address what each organization might be able to do and whether the Township is able to help and if so how they can. Mr. Silva said the Association has the perfect opportunity with the Hometown Celebration and they might want to marry it up with the tri-centennial celebration. He said maybe the capsule could be opened up at a later date. Mr. Silva said it could be talked about as they go forward. Mr. Kurtz said he agreed and thinks it is a communications thing. He said it is coming up on the new year and attention needs to be paid to it right away. Mr. Kurtz said the Association is working on their calendar but they hate to fix any solid dates without knowing what the Township might have in mind. Mr. Pritchard urged Mr. Kurtz to come back during the public hearing on the Ordinance. He said there isn't anything in the ordinance introduced tonight about waivers and he assumed that it would be a substantive change and the Committee was looking to make the change. Mr. Lafferty said it would be a significant change but to his recollection the ordinance doesn't apply to Township sponsored events.

Mr. Kurtz said he was appointed to the Historic Preservation Commission (HPC) by previous Mayor Sacchinelli and enjoys working on it. He said he is also a member of the Planning Board and that even with the time his business requires he still found time to work on both of the boards diligently. Mr. Kurtz said he attended the League of Municipalities Convention for 3 days and workshops that he felt he needed brushing up on. He said he has tremendous respect for the Administrator and the job that he does but he thinks there is a feeling from a letter addressed to the Commission from the Administrator on May 22, 2008 that was sort of the result of language used at one of their meetings that may have given the Administrator the feeling that he was summoned by the Commission to appear before them. Mr. Kurtz said he wanted to assure the Administrator and Members of Township Committee that was not the intent and it was unfortunate. He said he feels and hopes that he has been able to bring a little bit of control and balance to the HPC since he has been on that Board. Mr. Kurtz said right now there is a little confusion over an Ordinance that is before the Planning Board that wasn't acted on the past month. He said that the HPC had a copy of it at their meeting and that it is the Historic Preservation Ordinance. Mr. Kurtz said there are differences between himself, other Members of the Board and the Administrator on the need for that Ordinance. He said he sat at many workshops late at night going over the Ordinance because the Commission felt that they needed to bring the Ordinance up to date by direction of the State Preservation Office. Mr. Kurtz compared it to the ordinance the Committee is considering regarding properties and public events in town because the present one is antiquated and needs updating. He said the Historic Preservation Ordinance has areas in it that are deficient and Andrea Tingey at the State Preservation Office indicated there are some shortfalls in it. Mr. Kurtz said the Commission spent nights going over it, comparing it to other townships' ordinances, and what they did was bring it up to date and to what it needed to be. He said they did it for two reasons that they feel would be good for the Commission and the Township in terms of possibly getting grant monies that they will need and to help them and the Township out. Mr. Kurtz said he thought it would bring more credibility to their organization where they've had a little bad press lately. He said he is sure Mr. Sasdelli is aware of that. Mr. Kurtz said that in his letters Mr. Sasdelli made it sound like the Commission sent another letter requesting adoption of a more restrictive, more onerous and more bureaucratic ordinance that is 33 pages long. He said that ordinance was just shaped up from the existing ordinance, ordinances from other townships around ours and information the Commission received from the State Preservation Office that had told them they need to bring the ordinance up to date. Mr. Kurtz said he thinks it is a matter of disagreement and he would like the opportunity to meet with either a Township Committee Member or Mr. Sasdelli to discuss his feelings on it. He said it seems to him that the impression is that the Ordinance isn't needed. Mr. Kurtz said he thinks it is needed and that it is a matter of discussing what needs to be done in the ordinance. Mr. Kurtz said a lot of areas were addressed in it. He said demolition by neglect was an area in the ordinance that was old and the State Preservation Office suggested that portion of it be changed. Mr. Kurtz said they just brought it up to par with ordinances from surrounding communities and that they didn't make any changes other than what was in other ordinances that looked like they served it better the way it was written. Mr. Kurtz said the Commission would like a little better review of that Ordinance and a shot at getting its Certified Local Government Status which he thinks would be very important to do. He said there is sort of a feeling out there that the HPC are the bad guys but 90% of their applications are approved. He said he didn't really see any difficulties with what the Commission is doing. Mr. Kurtz commented on the perception that is out there and in letters they received from the

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Administrator indicated that the Commission's performance wasn't up to par as far as complaints they received from the public. He said he thought that has changed quite a bit in the last year and that there is room for more change. Mr. Kurtz said he also thinks they have to move ahead, that the CLG status they are seeking and the Ordinance revisions they are looking for need to be discussed more to understand why the Administrator feels that it is not needed. Mayor Gaskill said he was sure that Mr. Sasdelli would meet with Mr. Kurtz.

Debbie Kalai-Kinzle said someone wants to put an Animal Shelter in Laurel Dale and the Township zoning and Ordinance doesn't call for an animal shelter. She said people are talking as if it was already approved and people in the Township system are saying it is going to be there. Mrs. Kalai-Kinzle said the residents don't want it there and they are coming out every month trying to fight it. She asked what they have to do to stop it. Mr. Silva questioned the level it was at at the Zoning Board meetings and asked if public input was still being taken. Mrs. Kalai-Kinzle said it was. Mr. Silva asked if they still had considerable input to offer. Mrs. Kalai-Kinzle said they do but Robert Campbell is telling them that he wants it to end this month and that he wants to make a decision on it December 16th. Mr. Lafferty explained that what Mrs. Kalai-Kinzle was talking about is a contested matter before the Zoning Board. He said he believes there is a group and the applicant that are both represented by counsel. Mr. Lafferty said it is within the Zoning Board's jurisdiction and not the Township Committee's. Mrs. Kalai-Kinzle said the residents are taxpayers and want to know where they can go. Mr. Lafferty explained the matter is at the Zoning Board and that is where the public comment should be. Mrs. Kalai-Kinzle asked if the Township Committee appointed the people on the Zoning Board. Mr. Lafferty said that they are appointed by the governing body but they are a semi-autonomous body and it is not the procedure for the governing to direct the Zoning Board. Mr. Sasdelli explained the governing body approved the Ordinance and Master Plan Mrs. Kalai-Kinzle held up and that the applicant is before the Zoning Board trying to get relief from what the governing body already approved. He said he understood the residents want it to stay the way it is but the governing body already acted when they passed the ordinance Mrs. Kalai-Kinzle is referring to. Ms. Gatto said that the best thing the residents can do is go to the appropriate Board, in this case the Zoning Board, speak up in public hearings, provide facts and speak from their heart. Mrs. Kalai-Kinzle said they (the Shelter) won't be paying taxes so the residents taxes will go up. Mr. Lafferty said the application is before the Zoning Board, it is within their jurisdiction and the governing body doesn't act on individual zoning applications.

Mrs. Kalai-Kinzle said there are big holes in the middle of the road on Holly Street. She commented on seeing potholes all over the Township and said that when she calls Public Works they tell her they don't have enough people to do the work. Mr. Sasdelli questioned who she called. Mrs. Kalai-Kinzle said she saw somebody from Public Works on the side of the road near the hole on Holly Street and asked them and they said the Township Committee cut back on the number of people in Public Works, that they don't have enough people to do the work, and they do what they are told. She commented on trash not being picked up along the side of the road and said the grass wasn't cut this summer like it was supposed to be. Mrs. Kalai-Kinzle asked what the tax dollars were paying for. Mayor Gaskill said they are doing their jobs and it is a balancing act that this Committee and future Committees have to deal with in the budget. The Mayor said it was a question of how many people you want to hire because when you hire people the taxes go up. He said Mr. Sasdelli has made a note about the pot hole on Holly Street and it will be checked into tomorrow. Ms. Gatto explained potholes should be the correct avenue for potholes and road issues is for the public to report them to Town Hall then management can prioritize them. Mr. Sasdelli said they should call the Public Works Department. Mrs. Kalai-Kinzle said she did.

John Pucci said that a couple of months ago he reported a pothole on Grand Avenue and it was fixed the next day.

Mr. Pucci asked if the Boards/Commission appointment application was going to be on the website. Ms. Gatto said it is already there.

Mr. Pucci said December 7th is the first day of the hunting season with shot guns and asked if that is permitted anywhere in the Township. Mayor Gaskill said he didn't think anyone on Committee knew the answer to that question. He said they are not lawyers or law enforcement officers. Mr. Pucci said he asked the question because the Township has an ordinance concerning discharge of weapons in the Township and the way it was recently interpreted by the Administrator you can't discharge a gun except in a commercial district and there is no provision in it about hunting. He said he knows there was talk about antiquated ordinances. Mr. Pucci said he remembered Mr. Palmentieri saying the one about parades was

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antiquated and needed to be looked onto. He said he has been to the Zoning Board about this and they sent him to the Planning Board and the Planning Board sent him to Township Committee because they can only act on an application. Mr. Pucci said he has seen hunters around all day today. He said he thinks it has to be looked at and asked the Township Committee to ask the Planning Board to look at it. Mr. Pucci said nobody knows the answer because that Ordinance is undeterminable. He asked if you have to call the Police Department if you see hunters and have them go out and tell them they can't hunt. Mr. Pucci said he thinks the Ordinance needs to be fixed and that he is asking the Committee to look at it.

Mr. Pucci said that there was a public hearing on an appeal of his Use Variance on November 20, 2008 and during that public hearing one of the Township Committee Persons, who is no longer on Township Committee, stated there was an ethics violation concerning his Use Variance. He said his Use Variance was taken away and later on given back. Mr. Pucci said there was an ethics complaint by his neighbor on his Use Variance and he received notice about three weeks ago from the State Department of Community Affairs concerning the complaint. Mr. Pucci said he wanted the following results of the complaint noted on the record: *"Following a preliminary investigation of the facts and circumstances relevant to this complaint, the Board found no basis on which to authorize a formal investigation against you. The Local Government Ethics Law states nothing shall prohibit any local government officer or employee or members of his immediate family from representing himself, or themselves, in negotiations or proceedings concerning his, or their own interests. Accordingly, the Board elected to dismiss the complaint against you as having no factual basis"*. Mrs. Anderson asked Mr. Pucci to provide her with a copy of the letter.

Richard DeFeo said he knows State Law says you can't hunt within 400 feet of a dwelling and it could be an outhouse. He said that if what Mr. Pucci said is the case it should be looked into because he guessed the city is liable if someone gets hurt. Mr. DeFeo commented on people hunting all over Laureldale and said he would like to know if what Mr. Pucci said is right. He said he knows there are laws that say you can't discharge a firearm in the city limits.

Harvey Kesselman asked if the Township was bracketing changes when they make recommended changes to ordinances. He said that is helpful to the general public so that they know what language in the ordinance was changed. Mr. Sasdelli said the Township may not do it exactly that way but they do note the changes.

Mr. Kesselman commented on hearing the figure \$75,000.00 almost since last year concerning the cost to operate the Cove. He said he thought it was important to validate that number as requests for proposals are solicited to be sure that what is expensed against that account truly is against that account because it would be unfair to whomever it was going to be put out to if they don't know the real expenses including some of the expenses historically done as an in-kind expenses. He said it should include what it cost to clean it, how many times it is cleaned, and all genuine costs so there is no problem later on. Mr. Kesselman said he supports soliciting proposals.

Mr. Kesselman commented on negotiated salary increases that are expected in 2010 even for managerial employees and suggested that the Committee not only consider the 5 furlough days but that they should not take the increase either. He said that is in essence a reduction and a sacrifice. Mr. Kesselman said to get a 3% increase and give 2% back is still an increase. He said that is what he is going to recommend on January 4th. Ms. Gatto said she thought it should be indicated that the Committee didn't accept an increase this year and she is open to not receiving an increase in 2010. She said she guessed that not receiving an increase will be on for discussion January 4th.

Russell Bongiovanni said that in October he brought to the Committee's attention to his three bad experiences with the previous Construction Department, not the present staff. He said he bought a condo in the Woodlands in September 1980; went to closing because they were out of town; received a CO; and when they went to the unit it wasn't completed. Mr. Bongiovanni said there was no electric, there were no appliances, no carpeting or flooring. He said that in August 2006 he put a substantial deposit on a unit in Tavistock with an upstairs, main floor and walk-out basement. Mr. Bongiovanni said they went to the site which wasn't broken yet but next to it was a home with the same floor plan they were going to get. He said they (builder) changed the floor plan. Mr. Bongiovanni said when they went to the sales office the woman swore it was the same. He said he went to the Building Department to get a copy of the revised floor plan and they couldn't produce it. He said they went to the superintendent on the job at Tavistock and he couldn't produce it but two days later they got a phone call that the superintendent had miraculously found the revised plans in the construction shack. Mr. Bongiovanni

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said that in January 2007 he bought a home in Victoria Point and he had some flooring construction problems. He said he came to the construction office to get copies of the plans. Mr. Bongiovanni said he isn't familiar with construction plans but it had a date on it of the latter part of 2007 which was after he bought it. He said they came back to the Township Construction Department and the original plans for the home they bought were missing. Mr. Bongiovanni said they were going to arbitration with the builder and the plans miraculously disappeared and did not reappear. He said it was very difficult to go ahead with any kind of suit or arbitration because he didn't have any plans. He said he suggested in October that if the Department of Consumer Affairs came down and did an audit of the Township Construction Department it will not be a nice one. Mr. Bongiovanni suggested there be some kind of internal system if possible where the department can be audited whether announced or not so that 2 or 3 people cannot be in collusion and allow this to happen again. He suggested it be done as soon as possible and before the Department of Consumer Affairs does it because everyday that goes by the present the present staff is exposed to all prior violations. He said he is trying to protect the existing staff because he thinks they, like the entire township staff, are the best in the world. Mr. Bongiovanni said he doesn't care what the governing body comes up but he suggests something be done to stop this so they have a beginning point to cover the present staff.

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 said she felt there were a lot of misconceptions put out about what is and isn't allowable regarding hunting. She said she felt the Committee needs to get and present them out to the public on whatever laws or ordinances there are about guns. Mr. Pritchard said he guessed that whatever regulations the State has in place would supersede them. Mr. Sasdelli said the Township has no ordinance that says you cannot hunt in the Township and it doesn't exist. He said the ordinance Mr. Pucci asked about talks about discharging a firearm in a residential zone. Mr. Sasdelli said that is different than hunting in a forest area, a woodland area or a non-residential area. He said Mr. Pucci is using hunting and discharging a firearm interchangeably. Mr. Sasdelli said that the specific language Mr. Pucci is questioning is discharging a firearm in a residential zone, what's a residential zone and all the details surrounding it. Mr. Silva said if people do not want you to hunt on their property they post it and you will see a lot of posted property in the Township. He said he agreed with what Mr. Sasdelli said.

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:

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