

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
DECEMBER 20, 2010

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain, Jr., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by faxing or e-mailing a copy of said notice 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, New Jersey at 6:30 PM on Monday, December 20, 2010.

A moment of silence for private reflection was observed.

Atlantic City Race Course Redevelopment update

Mayor Silva explained Atlantic City Race Course and the MUA representatives would make presentations and said there may be questions back and forth between Township Committee Members and the individuals making the presentations but the Committee would not permit any public comment at this time. He said the public could save their comments for the public portion of the meeting.

Stephen Nehmad, Attorney for the owners/operators of the Race Course explained they requested this informal meeting to give the Township Committee Members an update on where they are with respect to their plans for redevelopment of the property. He said they believe they have come up with the most progressive and exciting redevelopment proposal that has been seen in the Township in well over a generation. Mr. Nehmad said the property has approximately 255 acres with tremendous locational attributes; is in a Pinelands Regional Growth Area; they have pre-committed water and sewer infrastructure; is surrounded by higher density residential and the most valuable commercial real estate in the county. He explained the Township Committee adopted a resolution in the summer of 2009 declaring the Race Track property an area in need of rehabilitation at the request of the owner and that it was the legal precursor for designation of the property as a redevelopment area, a more progressive type of Zoning Ordinance for the property. He explained that since then they were approached by representatives of the South Jersey Economic Development District (SJEDD) concerning a "public/private partnership" and they became aware of their ability to utilize their property to compliment the NextGen project at the Hughes Tech Center. He commented on meetings with SJEDD representatives, executive officers of the Race Track, and a team of professionals over the past year about how the Race Track could utilize and redevelop their property to create what SJEDD dubbed the International Center for Aviation Excellence. Mr. Nehmad said they were here to formally unveil their proposal and aren't asking for any official action. He introduced Gordon Dahl, Executive Director of the SJEDD.

Mr. Dahl said their Chairman Glen Desiderio was also present. He said the Hughes Technical Center is a premier world location for research, development, testing, and evaluation of all technologies that are applied in the national air space. Mr. Dahl explained that about 5 years ago Stockton (College), Atlantic County, New Jersey EDA, and a number of other agencies joined together; conducted a feasibility study; and pursued the positive results of that study, a 58-acre research park located at the Hughes Technical Center Campus off of Amelia Earhart Boulevard. Mr. Dahl showed artist renderings of the Park and said it is under construction now. He said it's a multi-million dollar project that will accommodate 408,000 square feet of research and development space; Amelia Erhart Boulevard infrastructure

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is in; and there will be a total of 7 buildings. He showed a rendering of the first building and explained what it will house. Mr. Dahl explained no support, engineering or administrative staff and any kind of activities except research and development for NextGen will be permitted. He said they anticipate it to be the beginning of a growing aviation industry; they believe it is an expanding market; and they commissioned a study to look at unmanned aircraft systems (UAS). Mr. Dahl said the U.S. government purchases about \$4 billion UASs a year through the military; when they looked at studies done by other agencies they saw that the purpose for unmanned aircraft outside the military will generate a lot of opportunities; and they see it as a way to get the next level of aviation industry here. He said studies showed that allowing UASs into civil airspace will create 23,000 jobs across the nation over the next 10-12 years and they believe the Hughes Center is the gatekeeper because they are the governing body of all aircraft that enter civil air space. Mr. Dahl commented on export of the NextGen technologies being another new market across the globe and said they looked at how to accommodate that market and bring those to Southern New Jersey. He said SJEDD purchased an air traffic tower simulator for the Community College's new Aviation Institute and is helping them with funding for their science, technology, engineering and mathematics building. He said Jim Lindeman and Tom Sykes were hired to do a study, look at where it should be, how it should be strategically located and interconnected so it could benefit from NextGen and the Hughes Tech Center but still have the benefit of regional transportation systems. He said the research park will accommodate about 2000 research type employees but they believe the market can expand dramatically beyond that with UASs and export of NextGen technologies that aren't necessarily research and development oriented. Mr. Dahl said SJEDD fully supports expanding the footprint to bring in more high paying jobs, more private investment, and create a new aviation industry here that is going to grow and prosper.

Tom Sykes thanked the SJEDD Board and Mr. Dahl for allowing three architectural firms to work together and allowing them to each do what they like best. He showed a site plan drawing that attempts to link Leipzig Avenue, Wrangleboro Road, the Expressway and Black Horse Pike with the hub of the Race Track. Mr. Sykes explained what will be included in the plan and how it relates to the area. Jim Lindeman explained what modern streamlined architecture is and said the Race Track Club House is probably the largest single example of it in all of South Jersey. He explained the main and central access-way to the Aviation Park focuses directly on the existing building and said it is the first thing you see. John Kolhaus explained Mr. Sykes expertise is in hospitality; Mr. Lindeman's is in historic preservation; and his firm's is in office and research oriented complexes. He said there would be 6 buildings with 100,000 square feet in each. Mr. Sykes explained the proposed hotel would have about 250 units with a 30% suite mix; a glass tower with a reflective nature; is about 20 stories high, which is a little over the Township limit now. He commented on it being a feature or the nexus of the whole redevelopment program and said they respectfully ask for consideration of a height issue on the hotel. Mr. Sykes said the race track masonry tower without the antenna is 133.9 feet. He commented on trying to tie the old and new together and said that was the theme they all followed in their work together. He showed a rendering of the main street.

Mr. Nehmad commented on seeing many positive benefits to the track and community with high paying construction jobs, permanent employment opportunities, and synergy with the shopping centers. Mr. Nehmad said they have discussed the concept of the second means of access pulled in from the Mall ring road as shown on the conceptual plan with the Mall and although a lot of details have to be worked out, the Hamilton Mall owners and management have given them a letter of support. He asked Maureen Budgon, President of the Track, to talk about why their Board of Directors wanted to present it in the spirit of being fully transparent and working with the Committee and Planning Board on a Redevelopment Ordinance reflecting the concept.

Maureen Bugdon commented on seeing high paying jobs in technology, science, research, support and hospitality which is something that not too much has been heard about in the present economic climate. Ms. Bugdon said she believes this could be an industry second only to casinos and something the Township would be proud to have in the community. She explained the first thing the Board looks at when a developer comes to them is what the impact will be on the Township. Ms. Bugdon commented on being a resident with children in the school system, being close with neighboring communities, and having a great relationship with a lot of people and businesses in town and communities around the race track. She said none of that is negotiable in order to get something else on the site that compliments the race track. She said the track has been there since 1946; they like working with the Township; and this plan appealed to them because it looks like one of the greatest designed and development items to come before the race track in the 25 years she has been there. Mrs. Bugdon said they contacted their neighboring communities so they wouldn't be blind sided. Ms. Bugdon said they need to know if this is something the Committee would like to see in the Township and would help their Board move forward with and make it a reality. She said they talked about a pedestrian access plan; sidewalks because of casualties along the pike; the road (Leipzig) that needs attention; and things that are important to the people.

Mr. Nehmad commented on the time frame for construction for the first building at NextGen and said occupancy of that building will create and accommodate demand for space at this location (the race track property). He explained the plan is designed so they can build the buildings as demand arises; the hotel will be market driven by the Aviation Center created here; and they think it can be a go within a relatively short window. Mr. Nehmad explained their next step is to go before the Planning Board and promulgate a Redevelopment Plan for the Committee to consider and they would like it to be consistent with the plan shown tonight.

Mayor Silva thanked all those who made the presentation. He said he liked the concept of utilizing different architectural firms and he thought it was aggressive when he looked at the renderings. The Mayor commented on everyone's focus being on the economy and not being able to survive without jobs. He said this will compliment everything when you look at what the institutions of higher learning have undertaken with their new programs to balance what is coming at NextGen. Mayor Silva commented on the community hungering for growth in business for a long time and said he didn't see how the Committee could not support this moving ahead to get it to the point of being a reality.

Mr. Cain commented on Mr. Dahl being on the Township Planning Board for many years and said he is very respected by his peers. He said this is an example of being planned correctly and planned in the correct location. Mr. Cain referred to the comments about possible jobs and what was done for the college and questioned the possibility of local schools being included when working on this. Mr. Dahl said they are committed to reaching all school grades through colleges.

Ms. Gatto said she was glad to see the existing building and tower were going to be brought back to the luster she remembers as a kid. She said keeping the racing industry and spirit alive was also important to her.

Mr. Palmentieri said he thought it was a great proposal and is just about what was envisioned 8 or 9 years ago when the Track zoning was changed to include uses other such as a business park and hotel. He said hopefully it is finally being put to good use as this moves through the process. Mr. Palmentieri said the Planning Board, Township Committee and public have to make sure close attention is paid to the traffic issue, especially where the ring road comes out from the mall to the congested area on Wrangleboro Road by the expressway and to the Black Horse Pike entrance to the mall area which is already nonfunctioning. He said it needs a lot of work and reworking to make this successful and to improve the overall area so the project can get the full value that it should.

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Dr. Kesselman said it is a very ambitious project and ties in a lot of things that are critical to the area. He asked Mr. Nehmad to summarize what would be there and if it included any residential or additional retail. Mr. Nehmad said it is a hotel of about 250 rooms; 400,000-600,000 square feet of office space in 6 buildings and tying the hotel to the existing race track building. He said they have 92 acres zoned for residential but aren't proposing any right now because the occupancy levels of the residential around them aren't what they were in prior years. He said he thinks those levels will be propped up when the job demand is created and they would potentially look at doing housing only when they are stabilized. Mr. Nehmad said there was no retail. He said a transportation center is proposed to tie major employment hubs together.

Mayor Silva said he thinks the enthusiasm everyone shares for the project is understood. Mr. Nehmad thanked the Committee for accommodating them. He said they will move to the next step of working on a redevelopment plan and hope to present it for adoption early next year.

NOTE: Copies of all renderings shown are available for review in the Township Clerk, Planning and Zoning Offices.

Hamilton Township MUA (HTMUA) presentation

Mayor Silva explained the Township's auditor presented a report to the Township Committee about the MUA and said the MUA asked for equal time to make a presentation themselves.

Steven Blankenship, Executive Director of the MUA, thanked the Committee for allowing him to make a slide presentation on behalf of the employees and Board Members. A booklet containing copies of the slides were distributed and a copy is on file in the Township Clerk's Office. The presentation covered the operations of the MUA and its staff; information on well locations, construction times; the water supply aquifers; service areas, sources of funding and a comparison of their auditor's cost findings with those of the Township's Auditor.

Dr. Kesselman questioned what the other sources referred to charts 34 and 35 on page 17 were. Mr. Blankenship said the money on chart 34 comes from their unrestricted funds. Dr. Kesselman said the \$3.4 million does and asked what the other sources for the \$1.5 were. Mr. Blankenship said the water storage facility cost will be built into the operational budget, paid over 10 years, and go into the rate. Dr. Kesselman questioned what the other sources were for over \$6 million referred to on the multi-year capital improvement plans not yet under contract. Mr. Blankenship explained a lot of it was the \$3.2 million for the new well completed in 2007 that they have to bond. He said they aren't ready to do that yet but it is a long term goal. Mr. Cain asked for a definition of "long term". Mr. Blankenship said 50-10 years in this case depending on the amount of growth. He said the last well took 9 years from start to finish. Mr. Cain questioned why. Mr. Blankenship explained they were denied permission to do the pump test because of the drought the drought and they had to appeal it and by the time they got through all the reviews, and awarding a contract, that is how long it took. Dr. Kesselman asked how much the MUA had in unrestricted net assets right now. Mr. Blankenship said \$2.2 million. Dr. Kesselman asked if the \$6 million other sources shown on chart 35/page 18 would be billables in the future. Mr. Blankenship said it would have to be built into the rate.

Ms. Gatto questioned what percent of the population is served by the MUA. Mr. Blankenship said it is about 2/3 of the population based on the number of residential service units they have and the average number of residents in each one. Ms. Gatto asked if the 9000 water accounts included Weymouth and other contracts. Mr. Blankenship said it doesn't. Ms. Gatto referred to the backhoe in the capital projects and asked if the MUA ever came to the Township to see if the Township had one they could use, rent or do a shared service on when they needed one. Mr. Blankenship said they haven't but it was something he

was going to talk about. Ms. Gatto referred to the billing and finance software upgrade and said the Township does billing and finance and questioned the possibility of putting them all together rather than the MUA buying a new system. Mr. Blankenship said it depended on what system the Township uses but some systems tax collection purposes aren't necessarily set up as a utility billing system. Ms. Gatto questioned in what way contract operations were not addressed in the Ford-Scott report as stated on Slide 21. She said the Ford Scot report looked at the MUA financials and she assumes contracts would have been in them. Mr. Blankenship said he didn't know why it wasn't addressed. Ms. Gatto said that remains an open question and Mr. Cain said it needed to be answered. Mr. Palmentieri asked if Ms. Gatto was asking in terms of if there was revenue brought in from the contracts and if that was what Mr. Blankenship had in mind. Ms. Gatto said she was asking in terms of any financial implications. Mr. Blankenship said it is something they do that wasn't noted and the Committee needed to know that they do contract operations. Ms. Gatto said the Township knows they do it but her question is the magnitude of revenues, expenses, accounts and service area of Weymouth. She said she thinks that is the kind of data the Township should see. Mr. Blankenship said Weymouth has about 225 accounts. Mr. Cain said he thinks the Township needs a more detailed answer. Mr. Blankenship said the Weymouth Township service came out of a court order and has another 14+/- years to go. He said the Transportation Authority is a shared service contract.

Mr. Cain asked if there was enough sewer capacity to for the Aviation Park at the Race Track. Mr. Blankenship said the race track has some but he would need more information on the demand and what allocation the track has available to service it. Mr. Blankenship said they have a study out now to see if they could dig a deeper well and use some of the existing treatment and well capacity. Mr. Cain questioned the time frame on the majority of the capital projects on slide 35. Mr. Blankenship said the Harding Highway interceptor is in design now; they are getting ready to go out to bid for the well 9 booster; the well test high pressure system is in the process of being designed and would allow well 10 to mitigate the limitations on wells 6 and 8; the meter replacement project is ready to go out to bid; they are in the process of bidding the pilot well for well #11 and the money is set aside for that. He said the new well is not short term. Mr. Cain questioned the age of the system where there were water and sewer main breaks and how it compared to the age of the entire system. Mr. Blankenship said the sewer side was probably from the early 70s and some parts of the water system are over 40 years old. He commented on susceptibility to problems like that depending on what is going on and the type material the pipes are made of. Mr. Cain questioned what they expect to accomplish with the purchase of the sewer camera for \$100,000. Mr. Blankenship explained it can show conditions inside the pipe before starting a job and what kind of job was done after it is finished.

Mr. Blankenship presented slides comparing the savings noted in the Ford Scott report with the MUA auditor's report and explained the differences. Dr. Kesselman said the range of savings in the Ford Scott report is \$257,000.00 to \$371,000.00 and the MUA is saying those numbers should be \$20,000.00 and \$48,000.00, so the MUA is saying there is about \$250,000.00 difference between the two reports. Mr. Blankenship said the MUA uses the GAP accounting system and the Township uses something different.

Ms. Gatto said the information in the Ford Scott report was taken from the MUA audit and questioned the source of the MUA numbers. Mr. Blankenship said he contacted the Risk Management Consultant for the insurance fees; consulted with the Auditor on auditing fees; and he thinks there was some misunderstandings of what was in the audit and how the contracts for engineering, solicitor, etc., are set up. Ms. Gatto said Mr. Blankenship doesn't have a piece of paper that shows the number, he just came up with it. Mr. Blankenship said everything the Solicitor does is task related if he looks a contract there is no meeting fee so that charge won't go away whether he does it for the Township or the MUA and that is the same with the Engineer.

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Ken Moore, the MUA Auditor, said the Township Auditor's report showed how the MUA reports its statements on the GAP System and converted those statements to a municipal basis which is modified accrual. He explained the differences between the GAP system and modified accrual system. Mr. Blankenship explained the provision that allows the MUA to make contributions from the Water/Sewer Fund to the Township Current Fund. He compared the recent approval by the voters of a constitutional amendment to dedicate assessments by the state on wages to employee benefits to the rate payer funds being locked in place for water and waste water purposes. He said under a dedicated utility there is no lock box. Mr. Blankenship said if the MUA has additional revenue they put it in a capital fund and use it to stabilize rates or for capital purposes. He said if rate-payer money is utilized for non-water/sewer purposes the rate-paying taxpayers will indirectly end up subsidizing the non-rate paying taxpayers. He said he didn't think there would be any question if all taxpayers were rate-payers but you don't have that because of the Pinelands. Mr. Blankenship referred to the Governor challenging all levels of government to find ways to save taxpayers money and said the Ford Scott report recommends dissolution (of the MUA) but he thinks there is another way. He said the MUA recommends the Township Committee investigate possible savings under shared services before taking the drastic step of dissolution.

Mayor Silva said no decisions were going to be made tonight. He commented on there being a lot of information on the table and said he is sure the Committee wants to look at what is in their report and talk to its Auditor. He said Mr. Costello and the new Administrator will look at the report and any issues. He thanked Mr. Blankenship for the presentation and all those involved in and supporting it.

Mr. Cain said he was taken back and angry that slide 27 shows there could be a \$323,000.00 discrepancy. He said he believes the Committee has to find out where it lies. Mayor Silva said Mr. Costello will look into it.

Ms. Gatto said she agreed with Mr. Cain but thinks there are a lot of questions, verifications and validation that need to occur. She said she thinks putting together the group of people recommended at the end of the Ford Scott report is probably a better way to hash out the details.

The Mayor said he think everyone is familiar with the MUA and the job they do. He said he was a Board Member for 7 years and understands its operation but he also has to understand the numbers. The Mayor said he thinks the interpretation of them will be significant.

A RECESS WAS TAKEN FOR MOVING THE VIDEO EQUIPMENT TO THE BACK OF THE ROOM.

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

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

6.A Insert names of businesses:

- (1) Chuck E. Cheese's - refreshment & games business at Hamilton Commons

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

There were no executive session confirmations to be made.

Early public comment on agenda items not listed for public hearings

John Pucci referred to the late item for approval for release of a performance bond and accepting maintenance bonds for Taco Bell and asked if there was any benefit to the Township. He commented on the smoking area out front of town hall being small and said he hopes it doesn't overflow into the sidewalk. Mr. Pucci referred to the Cotton Mill demolition status report and on being able to look into the building through windows that had been boarded up but are now open. He said if a kid went in with a bicycle it would be a great hazard.

Jack Trocki Development request for waiver of 2-year maintenance guarantee for buffer plantings only at their Cologne Gardens project

Mayor Silva said Mr. Walberg reported at the last meeting that the Landscape Engineer had reviewed the plantings; they were pretty well situated in the ground; and the 2-year period was utilized to determine whether they would last or not. Mr. Smith explained the Buffer Landscaping bond is separate from the rest of the site improvements bond and said there is still some \$280,000.00 in bonds for them.

Mr. Cain asked if there was any benefit to the Township. Mr. Smith said there isn't, it is the request of the developer. Dr. Kesselman asked if there was specific criteria for how the Committee should handle one of these requests. Mr. Smith explained it is a case by case situation. He explained the buffer was installed several years ago and the Landscape Architect said the plants are mature and established and that he wouldn't offer any objection to the Township Committee waiving the maintenance guarantee. Mr. Sandman explained the criteria is equity and if there is factual basis to waive it that it doesn't fly in the face of the intended purpose of the guarantee in the first place. Mr. Palmentieri said there is no legal requirement that the Township Committee grant the waiver even if the facts support it. Mr. Sandman said that was correct but it was a fairness issue.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the request of Jack Trocki Development for a waiver of the \$5,035.55 two-year maintenance guarantee for the buffer planting be denied based on the fact maintenance guarantees are in place for a reason and there is no inherent reason for waiving it.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES" FOR DENIAL OF THE REQUEST, NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

When casting their votes, Ms. Gatto and Dr. Kesselman said they didn't want to set a precedent.

Establishing Smoking & Non-smoking Areas for public & employees

Dr. Kesselman made a motion that smoking not be allowed on Township property. Ms. Gatto said she would second the motion because her employer doesn't allow smoking anywhere on its properties; it is a good practice; and it supports the Mayor's Wellness Program that the Committee adopted last year.

DISCUSSION ON THE MOTION: Mr. Sandman asked if they meant it to be for all Township property. Dr. Kesselman said he meant Town Hall and its immediate surroundings. Mr. Sandman asked if it included the dirt parking area across the street. Mayor Silva said he meant the immediate surroundings without crossing the street. Mr. Sandman said if it is to be designated by Ordinance there has to be a penalty provision. Mr. Palmentieri and Dr. Kesselman asked what the penalty is now for smoking in a non-permitted area. Mr. Sandman explained it is included in a general ordinance now but there is no penalty provision.

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Dr. Kesselman said the motion would be to establish an Ordinance that identifies Township property where smoking will be prohibited and whereby anyone in violation would be fined \$100.00. Mr. Sandman asked if it was okay with the Committee if people walked across the street and smoked. Ms. Gatto and Dr. Kesselman said it should identify the town-hall side of the street. Mr. Palmentieri asked if it should be tied into the non-smoking ordinance for recreation fields. Mr. Sandman said he would look at both; prepare an ordinance for town hall property at a minimum; and a recommendation with respect to what Mr. Palmentieri talked about. There being no further questions or comments Mayor Silva called for a vote on the motion revised as follows:

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that an Ordinance be established to identify Township property on the Town Hall side of Thirteenth Street (6101 Thirteenth Street) where smoking will be prohibited and a penalty of \$100.00 for anyone in violation thereof.

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

Cotton Mill Associates demolition status - requested by Mr. Cain

Mayor Silva called on Mr. Sartorio to give a report. Mr. Sartorio reported the Developer spent over a year since the fire dealing with Pinelands and DEP to get approvals to move forward with the project including demolition of the building.; the Pinelands certificate of appropriateness for demolition was issued this summer after a significant amount of time on Pinelands part; the developer has received bids from demolition contractors around the area; they selected the contractor and were going to negotiate the contract for the work but they had to modify their project based on the outcome of a November workshop meeting with the Township's professionals; and the work is scheduled to begin in January. Mr. Cain said this is exactly what the Committee was looking for and commented on Mr. Sartorio following the permit process through. He commented on being concerned about when action be started knowing that the permit was obtained in late summer. Mr. Cain said he personally called about access to the building several weeks ago and that Mary Lisitski turned it over to the Building Department. He commented on not knowing what dangers lie inside the building and said the access point being about 5' off the sidewalk. Mr. Cain said from what he saw from the outside it could be a very dangerous situation and something should have been accomplished by now. Mr. Sartorio said they have a local contractor and he will call them tomorrow. Mr. Sandman said Mr. Sartorio should tell them that it is an attractive nuisance under the law and makes them extraordinarily liable. Mr. Sartorio said the developer is aware of that.

Public Hearing/Adoption Ordinance #1681-2010

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

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

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

WHEREAS, Ordinance #1681-2010 was introduced and passed first reading on December 6, 2010 and was duly advertised in the December 8, 2010 issue of the Atlantic County Record for a public hearing to be held on December 20, 2010; 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 #1681-2010 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN".

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1681-2010

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1110, LOTS 52-58 INCLUSIVE 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 off set 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.

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- (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>
1110 / 52-58 inclusive	.40 acre+/-	Helios Avenue	GA-L	\$2,600.00

SECTION 6. SPECIAL CONDITIONS: NONE

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

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

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

ATTEST:

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

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

ROGER SILVA, MAYOR

ROLL CALL: CAIN "YES"
 GATTO "YES"
 KESSELMAN "YES"
 PALMENTIERI "YES"
 SILVA "YES"

ORDINANCE #1681-2010 INTRODUCED AND PASSED FIRST READING ON DECEMBER 6, 2010.
ORDINANCE #1681-2010 ADOPTED DECEMBER 20, 2010.

Public Hearing/Adoption Ordinance #1682-2010

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

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

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

WHEREAS Ordinance #1682-2010 was introduced and passed first reading on December 6, 2010 and was duly advertised in the December 8, 2010 issue of the Atlantic County Record for a public hearing to be held on December 20, 2010; 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 #1682-2010 be and is hereby adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN".

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE NO. 1682 -2010**

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1132.25 LOT 4 AND BLOCK 1132.26 LOT 3 AS SHOWN ON THE TAX MAP FOR THE TOWNSHIP OF HAMILTON TO ATLANTIC COUNTY HABITAT FOR HUMANITY

WHEREAS, Conson, LLC (Conson) is the developer of a residential project in Hamilton Township known as Eaglesmere; and

WHEREAS, Atlantic County Habitat for Humanity (Habitat), a duly incorporated nonprofit organization engaged in the construction of housing that is affordable to its program participants, is in need of real estate for the construction of homes thereon; and

WHEREAS, in July 2010 Hamilton Township approved an agreement with Conson and Habitat wherein the Township will facilitate the transfer of two (2) building lots in Eaglesmere, identified as Block 1132.25 Lot 4 (13 Rembrandt Way) and Block 1132.26 Lot 3 (9 Matisse Drive), from Conson to Habitat for the construction of affordable homes; and,
December 20, 2010

WHEREAS, on December 6, 2010 the Township Committee authorized the acceptance of Block 1132.25 Lot 4 and Block 1132.26 Lot 3 from Conson in order to effectuate the provisions of the three way agreement; and,

WHEREAS, Block 1132.25 Lot 4 and Block 1132.26 Lot 3 are not needed for other municipal purposes and the Township of Hamilton is desirous of transferring said property to Atlantic County Habitat for Humanity for the construction of a home on each; and,

WHEREAS, NJSA 40A:12-21 provides for the sale of property to such nonprofit organization for a nominal cost.

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

1. The Mayor and Township Clerk are hereby authorized to transfer title of Block 1132.25 Lot 4 and Block 1132.26 Lot 3 as shown on the Tax Map of the Township of Hamilton to Atlantic County Habitat for Humanity for the construction of homes thereon for consideration of One Dollar (\$1.00) and other good and valuable consideration subject, however, to the title of said real estate reverting back to the Township of Hamilton in the event that Habitat for Humanity does not make use of the properties as set forth in the July 2010 agreement; the construction of homes for income qualified participants in the Habitat program and subject to the affordability controls of §203-187.Q. of the Township Code.

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

3. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

4. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

ATTEST:

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

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

ROGER SILVA, MAYOR

ROLL CALL: CAIN	"YES"
GATTO	"YES"
KESSELMAN	"YES"
PALMENTIERI	"YES"
SILVA	"YES"

ORDINANCE #1682-2010 INTRODUCED & PASSED FIRST READING DECEMBER 6, 2010.
ORDINANCE #1682-2010 ADOPTED DECEMBER 20, 2010.

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

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

- (1) Chuck E. Cheese's - refreshments & games business at Hamilton Commons

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

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

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

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

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

WHEREAS, Koi Fish Cafe LLC filed the required application for renewal and paid the renewal fees for the 2010-2011 license year which was accepted by the Township Committee of the Township of Hamilton on June 21, 2010 for filing only and with no action taken to approve or deny its renewal pending receipt of the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal; and

December 20, 2010

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on December 7, 2010 under Agency Docket No. 10-10-6736 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-026-006 for the 2010-2011 and 2011-2012 license years; and

WHEREAS, the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal purposes was issued May 21, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling which are incorporated herein and made part hereof by reference and as if recited in full, Plenary Retail Consumption License #0112-33-026-006 is hereby approved and issued for the 2010-2011 license year to Koi Fish Cafe, with an address for mailing purposes only of 1704 West Avenue, Linwood, New Jersey 08226; and

BE IT FURTHER RESOLVED that renewal of this license is subject to the special condition that **"no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2012,** pursuant to the aforesaid Special Ruling from the Division of Alcoholic Beverage Control.

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Chapter 159 Resolution for insertion of an item of revenue with offsetting appropriations into the 2010 Local Municipal Budget:

Revenue Title: Neighborhood Crime Prevention Grant Program	\$55,177.00
Appropriation Title: Neighborhood Crime Prevention Grant Program	\$55,177.00
Local Match - Source: Police Salaries and Wages	\$18,392.00

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Young's Skating Center is hereby granted an extension of hours for their annual New Year's Eve All Night Skating Party from 8PM on December 31, 2010 to 7AM on January 1, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Willis of Merchants Bonding Company (Mutual) bond #NJC45009, in the amount of One Million Three Hundred Fourteen Thousand Three Hundred-ten Dollars and fifty cents (\$1,314,310.50) be and is accepted as a performance guarantee for the Parish of St. Vincent dePaul new church project (Block 996/Lots 31 & 32).

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

December 20, 2010

JIF/MEL Resolutions supporting various legislative initiatives

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

RESOLUTION SUPPORTING A REPEAL OF SICK LEAVE INJURY

WHEREAS: A recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and in now \$2,520 per full time employee; and

WHEREAS: Under 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) Programs that extend for a period of up to one year full pay for workers injured in the course of their employment; and

WHEREAS: Recently a similar provision for State workers was repealed; and

WHEREAS: The supposed purpose of this supplement is to make up the difference between the weekly benefit under workers' compensation and the employee's regular earnings; and

WHEREAS: Because workers' compensation is not taxed, employees out on workers' compensation and SLI have higher after tax incomes while off the job; and

WHEREAS: SLI provides an incentive fore employees to resist coming back to work; and

WHEREAS: SLI Programs are not commonly offered in the private sector and to governmental employees in other states: and

WHEREAS: SLI costs New Jersey Municipalities approximately \$500 per full time employee per year,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, that the Legislature is urged to amend 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all new Jersey governmental employees are treated in a similar fashion.

BE IT FUTHER RESOLVED that a copy of this resolution shall be sent to the Second District Legislative Delegation, the Governor, the Senate President, Speaker of the Assembly, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders.

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

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

RESOLUTION SUPPORTING S-2404 CAPPING ATTORNEY FEES
IN LITIGATION AGAINST PUBLIC ENTITIES

WHEREAS, Public Officials and Employment Practices claims against municipalities have increased dramatically during the past several years; and

WHEREAS, According to a ten (10) year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability claims per employee increased from \$26 in the year 2000 to \$125 per employee for most of the decade; and

WHEREAS, According to the same study, the cost per employee increased 175% to \$354 per employee in just the past two years; and

WHEREAS, 65% of these claims are for police and the 2011 projected cost of these claims in \$740 per officer; and

WHEREAS, Legal fees historically represent over 70% of the cost of these claims; and

WHEREAS, Provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases; and

WHEREAS, John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated "Even cases with marginal relevance are now being presented by plaintiffs' counsel as having substantial settlement value"; and

WHEREAS, In a recent case, a NJ court awarded the plaintiff's attorney a fee of \$450,000 even though the jury only awarded his client \$20,000; and

WHEREAS, The explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Legislature is urged to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

- . For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000 though a lower fee should be awarded if warranted based on considerations of reasonableness.
- . For awards over \$40,000, the fee award should not exceed the verdict though a lower fee should be awarded if warranted based on considerations of reasonableness.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Second District Legislative Delegation, the Governor, the Senate President, the Speaker of the Assembly, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders.

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

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

RESOLUTION SUPPORTING A-3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTENANCE BY ORDINANCE

WHEREAS, Injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, In *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS in the same case, the courts ruled that the municipality, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Legislature is urged to adopt A-343 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

December 20, 2010

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Second District Legislative Delegation, the Governor, the Senate President, the Speaker of the Assembly, the Senate Majority and Minority Leaders, and the Assembly Majority and Minority Leaders.

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

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

RESOLUTION SUPPORTING A-3430 TO AMEND TITLE 59
BY STRENGTHENING WEATHER IMMUNITY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factors contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather; and

WHEREAS, Municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily" and
2. Extending this provision to all public property including storm water systems, waste systems, dams, rivers and streams.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Second District Legislative District, the Governor, the Senate President, the Senate Majority and Minority Leaders, the Speaker of the Assembly and the Assembly Majority and Minority Leaders.

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

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

RESOLUTION SUPPORTING S-2333 AND A-3432 TO AMEND TITLE 59
TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach"; and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean or lakes; and

WHEREAS, S-2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, S-2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk,

NOW, THEREFORE, BE IT RESOLVED by the Township committee of the Township of Hamilton that the Legislature is urged to amend A-2333 and A-3432 to include, piers, wharves, docks, and similar public properties and adopt the amended bill.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Second District Legislative Delegation, the Governor, the Senate President, the Speaker of the Assembly, the Senate Majority and Minority Leaders and the Assembly Majority and Minority Leaders.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #21-2010 is hereby approved for St. Vincent dePaul Home School Association off-premise draw raffle to be held on February 1, 2011.

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

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

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year:

BE IT RESOLVED by the Township Committee of the Township of Hamilton that transfers between year 2010 Budget Appropriations be made as follows:

Account No.	Account Title	From	To
25-240-2	Police	Other Expenses	13,500.00
20-150-1	Assessment of Taxes	Salaries & Wages	750.00
21-180-1	Planning Board	Salaries & Wages	750.00
26-290-2	Public Works	Other Expenses	10,000.00
26-300-2	Contribution to Snow Reserve	Other Expenses	15,000.00
28-370-1	Community Education/Recreation	Salaries & Wages	1,000.00
20-100-2	Postage	Other Expenses	1,000.00
	Totals	28,500.00	28,500.00

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

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

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF HAMILTON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Township of Hamilton has opted to participate in the Atlantic County Community Development Block Grant (DCBG) Program for FY 2010; and

WHEREAS, as a participant, the Township of Hamilton expects to be allocated \$6,318.00 for Fiscal Year 2010 for the project known as Improvements to Senior Center; and

WHEREAS, in order to be allocated CDBG funds the Township Committee of the Township of Hamilton must enter into an interlocal service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDBG Entitlement Program,

December 20, 2010

NOW, THEREFORE, BE IT RESOLVED that the Agreement by and between the Atlantic County Improvement Authority and Hamilton Township which is attached hereto, is approved and the Mayor and the Township Clerk are authorized to sign said agreement.

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

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

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF HAMILTON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Township of Hamilton has opted to participate in the Atlantic County Community Development Block Grant (CDBG) Program for FY 2010; and

WHEREAS, as a participant, the Township of Hamilton expects to be allocated \$85,000.00 for Fiscal Year(s) 2010 for the project known as Senior Bus: and

WHEREAS, in order to be allocated DCBG funds, the Township of Hamilton must enter into an inter-local service agreement with the Atlantic County Improvement Authority, the administrator of the Atlantic County CDBG Entitlement Program,

NOW, THEREFORE, BE IT RESOLVED, that the Agreement by and between the Atlantic County Improvement Authority and the Township of Hamilton which is attached hereto is approved and the Mayor and the Township Clerk are authorized to sign said agreement.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of TD Bank letter of credit #136192090093 the performance guarantee for SpiCo Food Services/Taco Bell in Wrangleboro Consumer Square (Block 1319/Lot 2) is hereby authorized contingent upon the developer posting a 4-year maintenance guarantee in the amount of Five Thousand Eight Dollars and fifty cents (\$5,008.50) for the stormwater management system and a 2-year maintenance guarantee in the amount of Twenty-nine Thousand Two Hundred Seventy-seven Dollars and ninety cents (\$29,577.90) for all other improvements.

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

Mr. Palmentieri moved, seconded by Mr. Cain, that the resignation of Ed Leszczynski from the CER Advisory Board effective November 22, 2010 be accepted, the unexpired term to end December 31, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Matthew Phillips be and is hereby appointed to fill the existing Class II Special Police Officer at the hourly rate set by Ordinance with the starting date of employment to be determined by the Chief of Police.

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

Mr. Cain 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 15, 2010 Special Executive Session Meeting and the December 6, 2010 regular meeting are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$2,100,808.27 as of December 16, 2010.

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

Reports

Mr. Sandman reported he and the Chief completely analyzed the Red Light Camera RFPs that were received November 23rd; the Township has 60 days to be accept or reject them; and they are prepared to make their presentation and recommend it be made at the second meeting in January. He explained there are aspects to it that could be in executive session and said the Committee has to decide if they want to do it in open or executive session. Mr. Sandman said it is fairly complicated; the interviewed the people who submitted the RFPs and the Committee may want him and the Chief to put an outline together in advance of that meeting. Mr. Cain requested the Committee get the outline well in advance of the meeting; that they not exercise their right to do it in executive session; that it be vetted in public because of the controversy on the issue and wanting all sides to be heard. Mr. Cain requested it be on the January 18th agenda.

Mr. Smith reported the contracts for the Roof Repair/Replacement and the Basement Structural Repair projects have been sent out to be signed. He reported the Front Steps/Wall Repair project is going to be re-advertised and bids will be received on January 5, 2011.

Mr. Smith reported Timber Glen is supposed to have their work plan on the drainage area behind the tennis courts to him before the next meeting. He reported they have performed a significant amount of work but he hasn't had a chance to evaluate it based on the rainfall. Mr. Palmentieri asked if they fixed the erosion; how deep they went; and if they put stone on the bottom. Mr. Smith said it is about 5' at the center and that they haven't done anything yet. Mr. Sandman explained the 30-day period regarding calling the bond expired December 17th. He said he was in trial all last week but it is still on his list of things to do and he isn't stopping. Ms. Gatto asked if the Solicitor provided them the punch list they allegedly didn't have. Mr. Sandman said he did and that he told their solicitor he was going to continue to proceeding unless told otherwise. Mr. Cain suggested Mr. Sandman tell them the faster they move this along, the faster it can be put to bed and alleviate any action by Mr. Sandman. He said they should be given the clear, concise message that the Township isn't stopping. Mr. Palmentieri said that in addition to getting the plan, the work has to be scheduled and not for 6 months from now because it is already 6 months late. Mr. Smith said he thinks they intend to move forward as soon as they can. Mr. Sandman said he isn't at a point in the process where the Township will incur great expense.

Mr. Palmentieri wished everybody happy and safe holidays.

December 20, 2010

Ms. Gatto asked when the second round of leaf collection would be. Ingrid Perez said it is being done now and residents can call the Public Works Department at 625-6311 for the best estimate of when they will get to their area. Ms. Gatto said the form for reporting pot-holes has been posted on the website and said the residents can also call the same Public Works number to report them. Ms. Gatto asked when residents could put their evergreen trees out. Ms. Perez said they can put out every Friday or they can call the same Public Works number.

Mr. Cain wished everyone a very happy holiday season and a healthy, prosperous new year.

Mr. Cain said he believed the temporary pump at Hamilton Commons basin has been there for a considerable amount of time and questioned the status that basin. Mr. Smith explained the developer has an overall plan to interconnect several basins and he believes they are going to do some kind of soil exchange. He said he believes their ultimate goal is to connect the overflow into the state system. Mr. Cain asked that would require Planning Board approval. Mr. Smith said they would need Planning Board and Pinelands approval if they redesign the basin and stormwater management system. Mr. Cain pumping into the Gravelly Run Watershed is a big concern to him. He said he thinks the Committee has to determine what further action they are going to take to stop the pipe from flooding and compel the developer to correct the deficiencies because it is a public safety issue. Mr. Sandman explained the process is for the engineer to give the Committee a report and then the Committee makes its determination. He asked if there were still performance and maintenance bonds in place. Mr. Smith explained it is a restoration guarantee, not a performance guarantee. Mr. Cain commented on testimony at the Planning Board on another application was that the basin failed because of a lack of maintenance. Mr. Sandman said he will consult with the engineer and get the bonds from the Clerk and report back. Mr. Palmentieri commented on due process things sometimes taking half-a-year and in the meantime winter is coming with the potential hazard of water from the wetlands overflow coming onto the Pike. He said he thinks one reason the wetlands is failing to hold it is because the bottom of it is about 2" lower than the pipe. He asked if there was any way the Township could berm off a little of the Pike or wetlands to keep the water on the woods side while waiting for the legal process, the re-engineering of the basins etc. for permanent solutions. Mr. Smith explained the Township doesn't have jurisdiction because the Pike is a State highway. He said the pump is only an insurance policy so if the basins get too high they can pump it into the State system and out. Mr. Smith he doesn't know what the Township can do to prevent the wetlands area from overflowing. Mayor Silva said it is wet to the left of the pump all of the time and probably 7 or 8 acres are under water.

Mayor Silva reminded everyone the Reorganization meeting will be on Monday, January 3, 2011 at 6 P.M.

The Mayor commented on the Committee having set some pretty heavy priorities in 2010 and thanked each Township Committee Member, the Engineer and Solicitor for trying to bring the drainage issue to the forefront and to a conclusion of the problems they created. He said he thinks almost everybody is doing the annual reporting now on what they are doing. Mayor Silva said that the 12 identified as the worst is in no way the end of what the Township is doing. He said there are another 12-17 to be addressed in the second round.

Mayor Silva reported the reval has been completed, letters were sent to property owners, and there are options for people who are not satisfied to meet with the appraisers and discuss the issue. He said if that isn't satisfactory they can appeal to the County Board of Taxation. Mayor Silva explained the Township was mandated to do the reval (by the State) and said it has benefited the community at large to have the reval completed when the home values were significantly lower. He said it has been noteworthy to have a reval company that has done a significantly outstanding job in meeting with residents and reviewing all of the properties.

The Mayor commented on every Committee Member knowing that the most difficult thing they do going forward is the budget and said he thinks each succeeding Committee is going to have a more difficult task than the previous one. He commented on a 60-minute program where the Wall Street financial people are very concerned about the financial stability of all municipalities throughout the United States. He commented on the Committee looking at a challenging year; projects like the one shown tonight (Race Track Presentation) are exciting and the Committee would like to say it can come on board quickly but the process takes time. He commented on the Committee being committed to the overall well-being of the residents and said they will be making some of the toughest decisions and the best ones for the community at large. Mayor Silva thanked each member for their cooperation this year and said it was a pleasure working with them and with those that make the Committee Members' jobs easier. He wished everyone a happy, healthy and better year.

Public Comment

Peg Capone asked if any of the Members attended an MUA meeting. Mayor Silva said he attended them for 7 years when he was an MUA Member and one this year. Mr. Cain said he spent an entire day with the Director when he became a Committee Member-elect so he could have as much knowledge as possible about the MUA. Mrs. Capone said she attended one because of the report on possible dissolution of the MUA. She said there were some conflicting statements in the MUA report tonight. Mrs. Capone said the MUA is self-sufficient; every person associated with the MUA is paid by the ratepayers and it isn't a taxpayer issue because not everybody is part of the MUA. She said fairness is a consideration because there is a belief there is \$2 million in surplus that would be attractive to a Committee facing a \$2.5 million (deficit) and it would be a quick fix. Several Members said none of the Committee feels that way. Mrs. Capone said it appears that way because of a pattern of quick fixes. She commented on Township expenses increasing and the budget going from \$13 million to over \$27 million in ten years. Mrs. Capone said she understood positions were eliminated but the budget hasn't gone down. She said one of the reasons is the cost of health care and a million dollars in raises were given to one department in the past 3 years. She said fiscal accountability has to be demonstrated in the current climate and government needs to be smaller. She said the problem is that no matter what amount of money comes in the Township tends to spend it. Mrs. Capone said the money the MUA ratepayers gave the Township for the past two years went to increase the budget to help pay off expenses. Mrs. Capone said the Committee has the capability and she hopes they will reconcile themselves to stop looking at "us" for the solution and look within themselves. She commented on 74 homeowners being foreclosed on and said they have children and it will affect their schooling. Mayor Silva thanked her for her comments.

Mrs. DeStefano commented on representing the Atlantic County Division of Public Health as the Director of Health Education and said she supports the anti-smoking ordinance. She explained she represented the Lenape Girl Scout Council because of distress over the closing of the Senior Center to many groups, including the Girl Scouts, for use after hours. Mrs. DeStefano said they hoped to come up with a process of elimination to try to cull out the guilty parties who are leaving the messes and allow only those who are responsible to maintain usage of the center. Mayor Silva said her comments were appreciated and he hoped she understood the decision was to suspend the use, not to ban it. Mayor Silva explained there are serious concerns there and said he will be meeting with the Safety Committee and JIF Commissioner this week to discuss it. He expressed hope some workable solutions can be found in January. The Mayor explained the intent of the suspension wasn't to criticize any group; it was to preserve that which has a use for seniors and he didn't want to get into locking cabinets or chaining refrigerators. Mayor Silva said that without getting into detail there are many issues and an element of risk management involved. He suggested Mrs. DeStefano utilize other choices if she had any until the Township gets this resolved. Mrs. DeStefano said they understand completely; and this is what they hoped for.

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John Percy said he remembered when the Race Track was built and was the largest taxpaying ratable in the municipality. He referred to the presentation made tonight and said the new Air Traffic Control programs at the Community College will provide Associate Degrees needed in the new field that will open up if the proposal goes through. He commented on many proposed uses of the Track that fell through and said this one is a tremendous opportunity for the municipality and the area. Mr. Percy said Hamilton is competing with Egg Harbor Township for this type of development. Mr. Cain commented on Galloway Township just declaring a very large parcel at the end of Wrangleboro Road an area in need of redevelopment and said Hamilton is also competing with them. He referred said the Township is honored to be considered for such a project.

Rodney Guishard said he is excited about proposal presented tonight and that it is a great opportunity. He said people are vying for this type of thing all around the country and the Township has to do its best to make this the most attractive. Mr. Guishard named some facilities in Oklahoma and Washington, DC. Dr. Kesselman clarified that Mr. Guishard was talking about NextGen at the Tech Center.

Mr. Guishard said he didn't see any substantial opportunity for savings from what he saw in the MUA presentation. He commented on the money they spend being spent only for service to the people who pay for it; the water quality meets all the requirements; the rates have been reasonable; it works well; and he hasn't seen a convincing reason to change it. Mayor Silva said his comments were appreciated.

Jim Link thanked the Committee for allowing the all-night skating party at Young's Skating Center. He commented on sharing the enthusiasm for the Aviation Research Park and the opportunities it will provide in all the related ancillary areas, not just research. Mr. Link said that there were people in the room and on the dais that paved the way for what is happening at the Race Track and at the Mill. He commented on the Geraldine Dodge Foundation grant the Township received to develop a vision for the Township and what that report included. Mr. Link said he was a little disappointed that when the Administration changed in 2008 those people were not reappointed to the Planning Board didn't get a thank you for what they had done and suggested that future administrations take time to thank everybody that served on all the Boards. The Mayor thanked Mr. Link for his comments.

John Pucci thanked Mr. Cain for pumping up the heat on the Hamilton Commons developer; asked the Committee to be diligent to make sure that highway doesn't ice up like it did last year; and not to have the pump blocking the sidewalk. He said the pump is on a trailer that could be put in a spare parking lot and hooked up in half-an-hour or forty-five minutes. Mr. Pucci commented on having called about the Cotton Mill two weeks ago. He said the hazardous condition 5' off the sidewalk is unacceptable and that a call to the developer wasn't followed up on. Mr. Pucci said he could have fixed it in an hour with a couple sheets of plywood. He commented on the Township being able to fix things like that under the dilapidated building Ordinance and charge the cost back to the developer. He ask the Committee to revisit the procedure and put something in place for so it can be fixed in less than two weeks whether it is a qualified private contractor on call of the Public Works. Mr. Pucci thanked Mayor Silva and the other Members for their public service and said he has a comfort level with what they have done. The Mayor and Dr. Kesselman thanked Mr. Pucci for his comments and said they are appreciated.

Mr. Cain said he agreed with a lot of Mr. Link's comments and sincerely respects the amount of time and effort the volunteers put in on the various Boards and the work of previous Township Committees, especially after seeing the amount of work involved but he wanted to be very careful not to have history rewritten. He said the Geraldine Dodge Report was great in itself and he is glad the sitting Planning Board was able to get it but he wanted it to be clear that what they were trying to accomplish at the Race Track was to move the town center to the Race Track and create mixed retail and residential use.

Mr. Cain he wanted to make it clear that what paved the way for the phenomenal opportunity facing the Township now was the declaration of that area (the Race Track) an area in need of redevelopment and not the Geraldine Dodge Foundation Report.

There being no further comments from the public, Ms. Gatto moved, seconded by Dr. Kesselman, that the public comment portion be closed.

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

Ms. Gatto moved, seconded by Dr. Kesselman, 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 matter of PBA Negotiations which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law.

BE IT FURTHER RESOLVED that the governing body will not reconvene in public session because no action is expected o result from the discussions at this time.

BE IT FUTHER RESOLVED that the results of said executive session shall be made knows as soon as the basis for confidentiality is no longer confidential.

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

ATTEST:

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