

TOWNSHIP OF HAMILTON
6101 13TH STREET
MAYS LANDING, NJ
JULY 21, 2014

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 Aline Dix, Amy Gatto Rodney Guishard and Mrs. Link. Also present were Michael S. Jacobs, Township Administrator, 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 e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, July 21, 2014 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Legislative update by Assemblyman Vince Mazzeo:

Mr. Mazzeo commented on the effect casino closings and loss of jobs will have on the entire County and that he is meeting with Assemblyman Brown and Senator Whelan on what they can do to help as elected officials. He commented on the effect of casino tax appeals on the entire County and discussion of his legislation for Countywide Tax Assessment. Mr. Mazzeo said it would stabilize evaluations, centralize and consolidate tax offices, and that he thought the shared services is a way to control property taxes. He commented learning on the cost to implement it would be \$8 million and said he has a new Bill in place that moves the date for tax appeals from April 1 to January 1 so municipalities and counties can anticipate the loss of tax revenue. Mr. Mazzeo commented on working with veterans and veteran groups; a Bill that will be voted on this fall to establishing a scholarship fund for the military killed in action or disabled; and working on a Military Caretaker Act. Mayor Silva asked if there was any word on the Senior Tax Rebate. Mr. Mazzeo said it isn't going to happen in 2014. Mayor Silva asked if there was any movement on municipalities getting the State Aid from utility taxes back to what it was. He commented on the State pushing municipalities into shared services, privatization and consolidation and said that doesn't have a place in all municipalities. He said most of the 6,000 to 7,000 people losing their jobs with the casino closings live in Egg Harbor Township, Galloway Township and Hamilton Township and it is going to impact the tax collections and the disposable income those residents spend in the retail outlets. Mr. Mazzeo said the problem is that the revenue hasn't been there for the State; the economy in New Jersey isn't equal to what it is in the rest of the country; and that if the economy could get going and jobs created, it would help increase revenue for the State and possibly more State Aid. He said he would look into it. Mr. Mazzeo commented on the 2% Cap Levy controlling spending but property taxes still increased 18%. Mayor Silva commented on school enrollments dropping but not their budgets; about 53% of the tax dollars collected in this Township is for the schools; and said something has to be done to balance it out so people can afford to stay here. Mr. Guishard said that the casino closings problem is a regional problem and everybody has to work together to solve it as a region. He suggested all key spots in South Jersey be identified; making sure that visitors coming into the area are aware of them; and possibly providing some kind of transportation so it is easy for them to move around. Mr. Mazzeo said he thinks it is an opportunity for all parties to work together. Mrs. Link said when casinos first came in a company was only allowed to own one casino and asked Mr. Mazzeo if he thought changing of that gaming rule adversely affected or helped the community. Mr. Mazzeo said that number went from 2 to 4 and now they want it to go back to 2 but he didn't think that was the problem. Mrs. Dix said if it went back to 2 the casinos wouldn't be in competition with themselves. Mayor Silva thanked Mr. Mazzeo for coming; for addressing

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issues that are so important to all the municipalities; and urged him to continue to work on behalf of the residents, to do his best to restore the jobs that are going to be lost and bring the area back the economic level that it was.

There was no executive session and no executive session confirmation.

Ms. Gatto moved, seconded by Mr. Guishard, 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 thereon tonight:

8.A Insert names of businesses:

- (1) Pole Position Bar - go-go bar on Harding Highway
- (2) American II, Inc. - auto salvage & recycling 3135 Route 50

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

There were no early public comments on agenda items not listed for public hearing.

PILOT Program (Tax Abatement) for Conifer Realty LLC:

Mr. Sartorio explained Conifer is proposing 100 affordable rental units at the intersection of New York Avenue and Route 40 consisting of 16 one bedroom units, 54 two bedroom units and 30 three bedroom units; it is one of the sites designated on the COAH Affordable Housing Compliance Plan; if the project goes through it will reduce the Township's COAH obligation for the first and second round requirements to 57; it goes a long way towards meeting the current and future affordable housing obligations; the amount of money the Township will get under the PILOT Program is slightly higher than what it would collect under the local purpose tax over the life of the Program. Mr. Sandman explained that Conifer needs the payment in lieu of taxes approval in order get funding for the project from the government; that Mr. Eisdorfer, the Special Counsel the Township hired for the Builders Remedy lawsuit, recommended it be done; that settlement of the litigation the Township was involved in resulted in 4 parcels being rezoned for affordable housing; that the longer the governing body waits, the higher the COAH numbers will go; that Conifer is a responsible developer; that the Township Committee had Phil Sartorio do an impact study on their proposal and took the advice of Mr. Eisdorfer; that the documents before the Committee tonight are promulgated by the agency that does the funding; and that both he and Mr. Eisdorfer reviewed them. Mr. Guishard asked if the third round numbers are determined or affected by the number of new homes that go up, by population, or it doesn't matter whether the municipality grows or not. Mr. Sartorio said he isn't sure because COAH doesn't give details on how they arrive at the numbers so that someone could argue that they are wrong. Mrs. Link asked when the initial litigation occurred and if it was something the Committee has to be concerned with in moving ahead with Conifer. Mr. Sartorio explained the litigation started in 2004 and the settlement was executed in October 2007. Mr. Sandman explained that there are a number of COAH regulations on denials and said that the Township would be subject to another Builders Remedy suit if the Committee denies this without sufficient proof or argument that the Township has already met the (COAH) criteria. Mrs. Link asked what the financial ranges were for affordable housing. Mr. Sartorio explained it depends on the size of the family and size of the unit; it changes annually; low income is 50% of the regional medium income and moderate is 80% of the regional medium income. Mrs. Dix asked when Conifer could expect the Housing Mortgage Finance Agency funding commitment to go to the next step. Mr. Sartorio explained that in the resolutions they have 2 years to get the commitment. Mr. Dix asked when they would be applying to the Planning Board for site approval. Mr. Lewis said he estimated 10 months; they need Pinelands approval first and he estimated that would

take 6-8 months; they have a significant amount of engineering to do to get to Pinelands; and it shouldn't take long once they get to the Planning Board. He said they can't apply for funding until they have local site plan approval and that they will apply after they get preliminary approval. Mr. Guishard said the reason that there has been so much interest in and discussion of this is tax implications. He explained the PILOT pays the Township taxes but that is less than half of the full tax bill so the rest of the residents have to bear the remainder of the bill but it is a State Law. Ms. Gatto explained the other critical aspect was the potential of litigation, trying to manage that risk and trying to meet the Township's (COAH) obligation at the same time. Mayor Silva explained that his concern about the impact on the school system was pretty much satisfied when he read the news article on enrollment dropping significantly and the report by Mr. Sartorio showing the number of school children will be half of the number the school already lost. He commented on Committee Members not being comfortable at the last meeting because they didn't know exactly what the (COAH) obligation was and said that with Mr. Sartorio's report he is satisfied that the Committee has all the information from a legal and economic point of view to make a decision.

Mr. Guishard moved, seconded by Mrs. Link, that the following resolution be adopted.

TAX ABATEMENT RESOLUTION

WHEREAS, Conifer Realty, LLC (hereinafter referred to as the "Sponsor") proposes to construct a rental housing development for families consisting of 100 units affordable to low and moderate income households in townhouses and flats (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Hamilton Township (hereinafter referred to as the "Municipality") on a site described as part of Lot 1131, Block 5.01 as shown on the Official Assessment Map of the Township of Hamilton, Atlantic County and commonly known as New York Avenue and Harding Highway; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Township Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton (the "Committee") that:

- (1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;

- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes substantially similar to attached hereto as Exhibit "B"; and
- (4) The Committee hereby authorizes and directs the Mayor of the Township of Hamilton to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.
- (6) If the Sponsor does not secure a reservation of low income housing Tax Credits within two years of the execution of the Agreement, this Resolution will terminate automatically.

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

Ms. Gatto said "for the record" Conifer is a very responsible developer and their partnership will be very constructive; she doesn't believe this is the right development in the right place but it is in the hands of the Planning Board and Zoning Board to work out; and based on advice of Counsel she was voting "yes".

Resolution of need for Conifer Realty LLC affordable housing project:

Mrs. Link moved, seconded by Mr. Guishard, that the following resolution be adopted.

RESOLUTION OF NEED

WHEREAS, Conifer Realty, LLC (hereinafter referred to as the "Sponsor") proposes to construct a rental housing development for families consisting of 100 units affordable to low and moderate income households (hereinafter referred to as the "Development") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirement") within the Township of Hamilton (hereinafter referred to as the "Municipality") on a site described as Lot 5.01, Block 1131 as shown on the Official Assessment Map of the Township of Hamilton, Atlantic County and commonly known as New York Avenue and Harding Highway, New Jersey; and

WHEREAS, the Development will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Development may be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton (the "Committee") that:

- (1) The Committee finds and determines that the Development proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Committee finds and determines that the Development proposed by the Sponsor meets or will meet all or part of the municipality's low and moderate income housing obligation;
- (3) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.
- (4) If the Sponsor does not secure a reservation of low income housing tax credits within two years of the execution of an Agreement for Payment in Lieu of Taxes, this Resolution will terminate automatically.

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

Authorization for issuing Bond Anticipation Notes (BANs):

Mr. Jacobs explained the Township has two choices for financing debt; Bond Anticipation Notes (BANs) are for one year; and Bonds are typically for ten years. He explained that the Township's professionals recommended doing Bonds and timing-wise they need to do BANs for nine months; that time frame will be used to get all the documentation and rating updated; and then going to permanent financing with Bonds. Mayor Silva questioned the possibility that the Township's AA-3 bond rating would change. Mr. Jacobs said the Township has been steadily paying down its debt; the rating could go up and that he didn't imagine it would go any other way. He explained better ratings get lower interest rates; right now the interest rates are the lowest they have been; Bonds give financial stability over a longer period in case rates start to go up. Mr. Guishard said the current Bond rating is amongst the highest in the County. Ms. Gatto commented on she and Mayor Silva looking at the long term effect this will have on the budget when they discussed it; on the Committee looking 3 years out when the budget presentations were made; the Committee doing what they could this year to minimize the potential gap next year, hoping not to have to raise the (tax) rate again. She said she believes this is going to help take care of that risk. Mr. Jacobs explained it will level the debt payments; the idea is to keep debt payment level; and the Township has paid off more than they borrowed for the past several years. Mrs. Dix said the Township paid \$800,00.00 plus \$82,000.00 in interest on July 15th and will pay \$1.2 million in principal plus interest on August 15th. She said her objection to the 9 months timing of what the Committee is cash flow; the this is the worst cash flow time in every town, waiting for tax rates to be struck and tax bills to go out; the tax bills are going out on Friday so money could start coming in in the next two weeks but she thinks there is a 25-day grace period; she would rather see the BANs be for 12 months, June to September so the due date will be at a time when the tax bills have been collected and cash will be in the bank to pay the principal and interest. Mrs. Dix said that she doesn't object to the permanent debt or the ten year term; that she doesn't think this is the best way to do it; and that she wasn't given the opportunity to discuss it with Bond Counsel. Ms. Gatto asked Mrs. Dix if she had the opportunity to discuss this with the CFO and if she made her objections known. Mrs. Dix said she did with Mr. Sartorio present and that she said everything she just said in that meeting. She said her objection is strictly the cash flow for next June. Mr. Jacobs said he knew that was discussed and spoke to Cindy after that meeting. He asked if Mrs. Dix considered that there would not be a payment in 2015. Mrs. Dix said interest will have to be paid; that on the schedule there are payments in August 2015 of \$1.2 million and \$800,000.00 for the 2005 and 2009

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debt. Mr. Jacobs said there won't be a BAN payment in 2015 or new Bond payment. Mayor Silva asked if the Bond Counsel and CFO are satisfied. Mr. Jacobs said they are the ones who recommended it. Mr. Guishard asked if there was some discretion on what is paid on operating costs if there was a cash flow problem. Mrs. Dix said "no". Mr. Jacobs said the experts said this is the way to do it. Mrs. Dix said she brought it up with Mr. Sartorio and Cindy because some towns have to issue tax anticipation notes to raise the cash flow and Cindy didn't anticipate that for 2014 and tax collections a year from now can't be predicted. Ms. Gatto asked if there was a tax collection problem now and if Township has a cash flow problem right now. Mr. Jacobs said "not that he has been advised of". Mayor Silva said the total debt \$13,645,924 as of January 1, 2014 will be almost \$600,000.00 less on January 1, 2015; that he has the ultimate confidence in the CFO and her staff; that the numbers she produces, the way this is budgeted, the recommendation of the Bond Counsel and all the financial people the Township's good fiscal financial history makes this the way to go. Ms. Gatto said the numbers Mrs. Dix highlighted on the spread sheet are all accounted for. Mrs. Dix said she wasn't afforded the opportunity to have conversation with the professionals. Ms. Gatto said none of the members did. She said the recommendation came from them. Mrs. Dix said it is a just difference of opinion and she believes the professionals should be here to answer questions. Mayor Silva said he wasn't uncomfortable with it after reviewing everything and asked if anyone else was uncomfortable with it. Mr. Guishard said he wasn't. Ms. Gatto said she had asked all her questions.

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

RESOLUTION NO. BAN #1 of 2014

A RESOLUTION AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,621,000 BY THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NEW JERSEY, COMPRISED OF THE ROLLOVER OF A PORTION OF AN EXISTING \$3,150,000 BOND ANTICIPATION NOTE IN THE AMOUNT OF \$2,775,000 AND \$4,846,000 FOR ADDITIONAL GENERAL CAPITAL IMPROVEMENTS; AND MAKING CERTAIN ADDITIONAL DETERMINATIONS IN CONNECTION THEREWITH

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. Sale of Bond Anticipation Notes; Terms of Notes. The sale by the Township of Hamilton, County of Atlantic, State of New Jersey (the "**Township**") of \$7,621,000 Bond Anticipation Notes (the "**Notes**") is hereby affirmed pursuant to the Local Bond Law of the State of New Jersey, *N.J.S.A. 40A:2-1, et seq.*, as amended (the "**Act**"), and the following bond ordinances of the Township: Bond Ordinance No. 1649-2009, finally adopted on June 1, 2009; Bond Ordinance No. 1672-2010, finally adopted on June 21, 2010; Bond Ordinance No. 1693-2011, finally adopted on July 11, 2011; Bond Ordinance No. 1713-2012, finally adopted on February 21, 2012; Bond Ordinance No. 1748-2013, finally adopted on June 17, 2013; and Bond Ordinance No. 1766-2014, finally adopted on April 21, 2014, in all respects duly approved and published as required by law (collectively, the "**Bond Ordinances**"). The Notes will mature nine (9) months from the date of issuance, shall not be subject to redemption prior to their stated maturity date, and shall be sold and otherwise issued in accordance with the Act, the Bond Ordinances and this Resolution.

Section 2. Report of Sale Terms. Pursuant to *N.J.S.A. 40A:2-59*, the Chief Financial Officer shall report in writing to the Township at the next meeting thereof following the award as to the principal amount, interest rate, and purchaser of the Notes sold.

Section 3. Official Statement. The Township hereby approves the preparation and the distribution of a preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer. The preliminary Official Statement shall be prepared in final form in connection with the issuance of the Notes and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the winning bidder within seven (7) business days following the sale of the Notes.

Section 4. Ratification of Prior Actions; Authorization to Execute and Distribute Documents. All actions taken by the Township, the Mayor, Township Committee, the Chief Financial Officer and the Township Clerk prior to adoption of this Resolution in connection with the issuance of the Notes, including the distribution of a Notice of Sale and preliminary Official Statement in connection with the sale of the Notes, are hereby ratified and affirmed. The Township’s auditors, Bowman and Company, LLC, bond counsel, Fleishman-Daniels Law Offices, LLC, and financial advisor, Phoenix Advisors, LLC, are each hereby authorized to prepare the preliminary Official Statement, the final Official Statement, the required closing documents, including the Notes, and to arrange for the printing of the preliminary Official Statement and the final Official Statement. The Mayor, the Chief Financial Officer, and the Township Clerk are authorized to execute any certificates necessary in connection with the distribution of the Official Statements and the issuance of and sale of the Notes.

Section 5. Tax Covenant. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Notes as is or may be required under the Internal Revenue Code of 1986, as amended and supplemented, and the regulations promulgated thereunder (the “Code”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 6. Agreement with DTC. If required, the Chief Financial Officer is hereby authorized to enter into an agreement with DTC in customary form setting forth the respective obligations of DTC and the Township with respect to the payment and transfer of the Notes. The Township agrees to comply with all obligations set forth in such agreement. In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Notes, the Township may enter into an agreement with a substitute securities depository, if available. Alternatively, the Township may cause the Notes to thereafter be registered in the names of, and delivered to, each beneficial owner of the Notes.

Section 7. Continuing Disclosure Agreement. If it shall be determined that it is necessary and appropriate for the Township to execute and deliver a Continuing Disclosure Agreement (the “**Disclosure Agreement**”) for the benefit of the holders and Beneficial Owners of the Notes to enable the successful bidder for the Notes to comply with the requirements of SEC Rule 15c2-12, then the Mayor and the Chief Financial Officer are hereby authorized to execute and deliver the Disclosure Agreement in such form as shall be acceptable to the Township Solicitor and Bond Counsel.

Section 8. Bank Qualification. The Township hereby designates the Notes as qualified tax-exempt obligations for purposes of Section 265 of the Code.

Section 9. Effective Date. This Resolution shall take effect immediately.

<u>Recorded Vote</u>	<u> AYE </u>	<u> NO </u>	<u> ABSTAIN </u>	<u> ABSENT </u>
	GATTO	DIX	NONE	NONE
	GUSHARD			
	LINK			
	SILVA			

RESOLUTION ADOPTED.

Mrs. Dix asked if there will be a Bond Ordinance in the future to go out for the permanent debt. Mr. Jacobs said there will be.

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Ms. Gatto commented on Mrs. Dix saying the tax rate was unknown and said it was struck on July 12th.

DDR Surety Bonds exchange:

Mr. Sandman explained the original developer of Hamilton Commons provided a site restoration bond that should have been, but wasn't, replaced with a performance bond when construction started and there is no ability to take action on the bond in its present form. He explained DDR acquired the property from Benderson Company and proposes exchanging the existing three bonds with matching performance or maintenance bonds that will provide the level of protection envisioned by the Ordinances; that DDR has been extremely cooperative and this is a showing of good faith; and the Committee can approve the exchange tonight. Mr. Sandman said he has reviewed and approved the form of bonds to be issued and the amounts have been approved by the Engineer and the Clerk's Office. Mr. Smith explained release of the performance bond for Hamilton Commons Phase III was recommended in 2010 contingent on them posting maintenance bonds but they were never posted; DDR is going to post two maintenance bonds in lieu of the \$350,956.26 performance bond; and the 2-year and 4-year maintenance clock will start when they are accepted.

Ms. Gatto moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that approval is hereby given for Developers Diversified Realty (DDR) to exchange American Motorists Insurance Company bond #3SM98462500, the \$75,000.00 maintenance bond for Hamilton Commons, and American Motorists Insurance Company bond #3SM98174000 the \$201,700.00 restoration bond for Consumer Square II, Section 1 (Hamilton Commons), with Travelers Insurance Company performance bonds in matching amounts; and

BE IT FURTHER RESOLVED that approval is hereby given for Developers Diversified Realty (DDR) to exchange the \$350,956.26 Arch Insurance Company performance bond #SU5009176, with a 4-year stormwater management system maintenance bond in the amount of \$96,320.43 and a 2-year maintenance bond in the amount of \$79,157.70 for all other site improvements for Hamilton Commons Phase III/Red Robin & Outbuilding #2.

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

Proposed legislation by Assemblyman Brown re: Atlantic City:

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

Mr. Guishard moved, seconded by Mrs. Dix, that the following resolution be adopted.

WHEREAS, Governor Chris Christie and State Senate President Stephen Sweeney forged a bi-partisan, five-year agreement to keep casino gaming exclusively in Atlantic City; and

WHEREAS, along with exclusivity for at least five years, the agreement include a promise to conduct an evaluation of Atlantic City's progress towards becoming a destination resort and its economic viability before any consideration of expanding gaming New Jersey would occur; and

WHEREAS, Dr. Israel Posner, of Richard Stockton College's Levenson Institute of Gaming Hospitality and Tourism, reports North Jersey's population accounts for 41.8% of the total gaming customers from New Jersey who gamble in Atlantic City. Thus, a casino in the Meadowlands would put at least 41.8% of our New Jersey gaming customers at risk. Dr. Posner points out this would place serious hurdles in front of our ability to continue to transition to a true diverse destination resort; and

WHEREAS, a Casino Association of New Jersey study conclude that a Meadowlands casino would siphon off 45% of gaming revenue from Atlantic City and the entire New Jersey casino industry would lose 3,800 jobs, \$190 million in payroll, and divert \$45 million from services our seniors and disabled; and

WHEREAS, the 2007 Christian Capital Advisors Study clearly stated, "The primary market area for Meadowlands VLTs falls within the primary market area for Atlantic City6 casinos; and

WHEREAS, statistics for the fourth quarter and year end results for 2013 show Atlantic City is moving in the right direction: total revenue increased over 8%, food and beverage revenue increased over 14%, room revenue increased by 13%, third party business sales grew over 25% for the quarter and 17% for the year. Over 27 million people visited Atlantic City. All of these positive indicators occurred while over \$300 million dollars of new private sector investment p9ured into Atlantic City; and

WHEREAS, it took Las Vegas 10 years to transition to a point where they are receiving 64% of their revenue from non-gaming sources and 26% from gaming; and

WHEREAS, though it is making progress, Atlantic City still derives 71% of its revenue from gaming; and

WHEREAS, the Atlantic City casino industry employees over 31,000 men and women, including 27,000 from Atlantic County and supports numerous small, local businesses; and

WHEREAS, the loss of these jobs will hurt the hard working middle class Men and women of Atlantic County who are the very people the casino industry was intended to help; and

WHEREAS, any further decline in casino property values in Atlantic City will increase property taxes throughout Atlantic County; and

WHEREAS, any discussion, speculation, legislation, or ballot question regarding expanding gaming outside of Atlantic City before the end of the five-year agreement and an honest evaluation of the progress of Atlantic City jeopardizes local businesses and employment; private sector investment; visitor confidence and convention marketing efforts, and will harm Atlantic City's transition to a destination resort; and

WHEREAS, such unwarranted discussion has already6 lead special interests to call for casinos and convention facilities in the places such as the Meadowlands, Jersey City and Camden; and

WHEREAS, the legalization of casino gaming in surrounding states has already oversaturated the gaming market, opening casinos in other locations in New Jersey municipalities will only serve to cannibalize our own gaming market; and

WHEREAS , the facts tell us casino gaming in North Jersey will negatively impact our regional economy, depress our property values, and place 27,000 jobs at risk, thereby making it harder for local families to afford to live in Atlantic County,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township calls on the State to keep its promise not to permit the expansion of casino gaming outside of Atlantic City and refrain from any executive, legislative or referendum action before January 31, 2016 and after a thorough analysis of Atlantic City's economic viability has been completed and we ask State Senator James Whelan, Assemblyman Chris Brown and Assemblyman Vincent Mazzeo to jointly sponsor a resolution calling for the same.

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

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There was no introduction of ordinances.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Remington & Vernick Engineers proposal to provide Engineering Services for Inspection and Contract Administration Services for the Liepe Tract Recreation Complex Football Field Irrigation System project at a cost not to exceed \$5,250.00 is hereby accepted and the contract for same awarded to them with funding to come from Capital Bond Ordinance #1766-2014.

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

Ms. Gatto moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Remington & Vernick Engineers proposal to provide Engineering Services for preparation of permit plans for submission to the Pinelands Commission for the Liepe Tract Recreation Complex Proposed Expansion for Additional Parking and Restroom/Concession Stand Project at a cost not to exceed \$19,700.00 is hereby accepted and the contract for same awarded to them with funding to come from Capital Bond Ordinance #1766-2014.

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

Ms. Gatto moved, seconded by Mr. Guishard, 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) Pole Position Bar - go-go bar on Harding Highway
- (2) American II, Inc. - auto salvage & recycling 3135 Route 50

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

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

WHEREAS, the Tax Assessor's Office has advised that Lots 1 and 2 in Block 547 are surrounded by paper streets and, therefore, there are no contiguous owners to said property,

NOW, THEREFORE, BE IT RESOLVED that the resolution authorizing preparation of a Contiguous Owner Land Sale Ordinance adopted by the Township Committee on July 7, 2014 is hereby rescinded.

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

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

RESOLUTION AUTHORIZING PUBLIC LAND SALE

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

WHEREAS, a request has been made for said lands to be offered for public sale because there are no contiguous owner or owners thereto; and

WHEREAS, in the judgment of the Township of Hamilton, said lands are of no further use for public purposes, are not needed for public use, and should be disposed of by sale at public auction in accordance with the statute in such case made and provided; and

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

<u>Block/Lot(s)</u>	<u>Lot size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
547/Lots 1 and 2	2.72 acres	Eighth Avenue	RD-4	\$2,000.00

SPECIAL CONDITION: NONE

BE IT FURTHER RESOLVED that the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale as published in accordance with law and available in the Township Clerk's Office. Said terms and all conditions shall survive closing and transfer of title.

BE IT FURTHER RESOLVED that the date and time of sale shall be Thursday, August 14, 2014 at 3:00 PM.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for subordination of the \$9,427.50 Small Cities Mortgage between Anne E. Cannan and the Township of Hamilton against property identified as Lot 1 in Block 996 on the tax map of the Township of Hamilton (a/k/a 104 Old Egg Harbor Road) dated March 5, 2002 and recorded in the Atlantic County Clerk's Office on April 4, 2002 as Instrument #2029340 to Quicken Loans Inc.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mays Landing Golf Club application for a fireworks display to be held on August 8, 2014 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the renewal of the Arawak Paving Company Commercial Excavation/Sand & Gravel Operations license for on Lots 1 and 4 in Block 229, Lots 1 thru 7 in Block 232 and Lots 1 thru 8 in Block 235 is hereby approved for the period June 1, 2014 thru May 31, 2015.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Liberty Mutual Insurance Company bond #404008024 portion of the performance guarantee for McDonald's USA, LLC, 4476 Black Horse Pike, Mays Landing, NJ site (Planning Board File #2012-08/Engineer's File #0112-1-142 Block 1134, Lots 14 & 15) is hereby authorized to be reduced **from** \$86,295.60 **to** \$25,888.68 and the cash escrow portion of the performance guarantee is hereby authorized to be reduced **from** \$9,558.40 **to** \$2,876.00 as recommended by Robert J. Smith III, Township Engineer on July 8, 2014.

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

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

TOWNSHIIP OF HAMILTON
ATLANTIC COUNTY, NJ

RESOLUTION SUPPORTING THE 2014 DRIVE SOBER OR GET PULLED OVER
STATEWIDE LABOR DAY CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the 2014 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN; and

WHEREAS, the project will involve increased impaired driving enforcement from August 15, 2014 through September 1, 2014; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, Atlantic County, does hereby declare its support for the 2014 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN from August 15, 2014 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Mayor Roger Silva be and is hereby authorized to sign the Hamilton Township Police Department 2014 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant Application for \$5,000.00.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Hamilton Township Industrial Commission request for Honorary Street Name designation of the portion of Atlantic Avenue from its intersection with Cantillon Boulevard to its intersection with Babcock Road as **Robert RaVell Boulevard** be and is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #15-2014 is hereby approved for the Alesia Shute Foundation off-premise draw 50/50 raffle to be held on February 28, 2015.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that purchase of six (6) new Street Lights with Granville Fixtures from Atlantic City Electric (ACE) the new Town Hall Parking Lot at a cost of \$66,284.22 with funding from Capital Bond Ordinance #1672-2010 is hereby authorized.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Public Works Department is authorized to offer the following for sale on GovDeals 2014 Summer On-line Auction as recommended by Brett Noll, the Director of Public Works:

1. Police vehicle seats
2. Misc. parts from police cars
3. MDT Computers from PD
4. Plate tamper
5. Misc. tires
6. Lot of bicycles (approximately 50)
7. Natural gas heater from PW shop. (**removed during renovations**)
8. 2 overhead doors from PW (**removed during renovations**)
9. Industrial fan from PW (**removed during renovations**)
10. Misc. items from property / evidence room in PD
11. Lot of computers
12. Lot of printers
13. Lot of misc. electronic items from basement
14. 2004 Jeep Liberty VIN#1J4GK48K84W162395
15. 2004 Chevy Impala VIN#2GIWF55K249428477
16. 2004 Chevy Impala VIN#2GIWF556193667954
17. 2006 Dodge Durango VIN#1D4HB38P36F190109

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to N.J.D.O.T. approval and/or issuance of permits to the Cologne Volunteer Fire Company for coin drops to be held at the intersection of Route 322 (Black Horse Pike) and Leipzig Avenue on July 25 & 26, 2014 and on August 15 & 16, 2014.

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

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

RESOLUTION RATIFYING PUBLIC LAND SALE

WHEREAS the Township Committee of the Township of Hamilton determined the following lands are of no use for public purposes and are not needed for public use; and

WHEREAS all contiguous owners were notified of their right to purchase said property pursuant to Ordinance #1759-2014 by certified mail, return receipt requested, and no bids were received; and

WHEREAS said lands were advertised for sale at public auction in accordance with statute in such case made and provided; and

WHEREAS Debra Kraus, whose address is 7400 Driftwood Lane, Mays Landing, NJ 08330, bid the sum of Twelve Thousand Two Hundred Dollars (\$12,200) ; and

WHEREAS no other bids were offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer Twelve Thousand Two Hundred Twenty Dollars (\$12,200.00) made by Debra Kraus for the following described parcel of land be and is hereby accepted and the sale of same to her is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOTS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
94/ 1, 2, 3 & 5	42.31 acres	Venice Boulevard

SPECIAL CONDITIONS IMPOSED: NONE

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to Debra Kraus, 7400 Driftwood Lane, Mays Landing, NJ 08030, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the May 28 and June 4, 2014 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

Advertising & Creation of hiring list for patrol officers:

Ms. Gatto explained the hiring list the Township had has expired and there have been two resignations. Mrs. Dix asked if the officers were regular patrol officers as opposed to specials and how long they have worked for the Township. Mr. Jacobs said they were regular officers; they have worked here less than two years; and the Township will be getting some money back. Chief Tappeiner explained that once they are appointed by the municipality they are going to, the Township is allowed to bill that municipality for reimbursement for their

training, part of the hiring process, field training while they are working, part of their salary, part of the field training officer's salary, and a number of things; that bill has already been drafted but he wants to talk with the Solicitor before it is sent out; it is based on how long they were with the Township and will probably be about 50% of the Township's total costs.

Ms. Gatto moved, second by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Chief of Police is hereby authorized to advertise and run a hiring process to create a hiring list for Patrol Officers.

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

Ms. Gatto moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the July 7, 2014 meeting be and are hereby approved and adopted as published.

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

Ms. Gatto move, seconded by Mr. Guishard, 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 to be paid, the bill list total being \$1,089,877.82.

RESOLUTION ADOPTED WITH ALL EMBERS VOTONG "YES", NO "NO" AND NO "ABSTAIN" ON ROLL CALL VOTE.

Reports:

Mr. Jacobs said he had nothing to add to his written report.

Mr. Sandman reported the developer of Gravelly Run Center is requesting cooperation in making their bonding requirements less onerous; there is precedent for it, it happened with Hamilton Mall and Hamilton Commons; they are proposing to clear cut the site, rough grade it and provide a site restoration bond for part of the project and a performance bond for portions of Volunteer Way as a kind of Phase I development; suggestions were made to them that they consider making additional improvements including improving Volunteer Way from the jug-handle to where it ends now that will open up access from Wrangleboro Road and the Black Horse Pike to McKee Avenue; they don't have authority to do that now but are considering it; their plan will be made in writing to the Committee at some point; and that he, Mr. Jacobs, Mr. Sartorio and Mr. Smith recommend it. Mrs. Dix said the developer, Benderson Wainberg, were the original developers of Wrangleboro (Square) and Hamilton Commons and she asked if the Committee could get something from those files to show the path they went down. Mr. Sandman said it is clear to him what happened, particularly with Hamilton Commons. He explained that under normal circumstances the bond is based on a percentage of the value of the improvement; because of the size of this project, they would have to go into a financially onerous bond for the improvements; any arrangement has to have an automatic trigger to require them to put up a performance bond upon certain events happening like issuance of building permits; he will insist on it and the developer isn't opposed to that; they are looking for Township to assist them in tough economic times to bring what may be a very big and valuable ratable to the town. Mr. Sandman said that he doesn't have anything in writing yet but he is comfortable recommending it to the Committee. Mrs. Dix

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asked if they have been to the Planning Board yet. Mr. Smith said they indicated that they have Pinelands no-call-up approval, Planning Board approval and are ready to go.

Mr. Smith said he had nothing to add to his written report.

Mrs. Dix said there was a meeting on May 7th, mediation, agreements, Mayor Silva was there, and that part of the agreement was a side agreement that they would have a meeting to discuss the different items she had listed as whistleblower type. Mayor Silva asked who Mrs. Dix had the side agreement with. Mrs. Dix said they had it from the mediation. Mr. Sandman cautioned Mrs. Dix. Mrs. Dix said she was about to say that they had a meeting on June 19th; that she and Mr. Silva with their attorneys talked about a variety of things and - - Mr. Sandman interrupted Mrs. Dix and asked her to stop and said that she was invading the province of the spirit and purpose of the mediation. He explained he wasn't there or involved and doesn't know if there was a confidentiality clause in it but regardless of what Mrs. Dix was going to ask, he was asking the other 4 Members to consider his recommendation not to respond, not out of rudeness to Mrs. Dix but out of caution as it relates not only to that lawsuit but potentially to others. Mr. Sandman explained that he said for Mrs. Dix to stop because he wanted to put it on the record that he respects her first amendment right as an elected official; that he will listen carefully; and if the other members have a question of him before they respond, if they want to respond, he will be glad to hear it. Mrs. Dix said she and her attorney talked about it at 4:30 today and that he said it was alright for her to talk about this specific topic. Mr. Sandman said anything she and her attorney talk about is attorney-client privilege. Mrs. Dix said that she wants corrective action on one thing; that she will yield to Mr. Sandman's thoughts tonight; that she will talk with Mr. Sartorio tomorrow; and that she will be looking for a resolution by the end of the day tomorrow. Mr. Sandman said that would be a better way to do it.

Mr. Guishard said he had nothing to report.

Mrs. Link if there is anything the Committee can do about cars and trucks parked on the grassy area at a car dealership. She said that in her opinion it doesn't look professional, isn't necessary, and that she knows there was no stipulation when it was approved by the Planning Board. Mayor Silva asked Mr. Jacobs to look into it to see if there was any kind of understanding and get the information back to Mrs. Link. Mrs. Link said she appreciated the cooperation of the Police on the day of the triathlon; that everything went smoothly and everyone got to the skating rink.

Ms. Gatto thanked Mr. Smith for looking into residents not being notified regarding the road paving program and that the residents will be notified going forward. Ms. Gatto reported receiving notice that the State will be making improvements on Route 50 from about Old Egg Harbor Road through Laureldale to the railroad in Egg Harbor City but it doesn't say when. She said a freshly paved street doesn't help the speeding problem on Route 50 and she hopes the conversation on that problem can be kept going. Ms. Gatto reported Laureldale Fire Department is having its second annual community yard sale on Saturday and Mizpah Fire Department is having its first car, stock motor cycle and big rig show on Saturday. Ms. Gatto thanked Harry Hurley for doing the Joe Nickels show on Saturday.

Mayor Silva reported on work started on the new parking lot across from Town Hall and said that, with all of its precautions, it will be better for the Township when it is finished. The Mayor said that he and Ms. Gatto are continuing to work on traffic control problems in the community; that New York Avenue is a very big issue; and he thanked Mr. Smith for sending the letter to Harding Run II about starting to address the maintenance issue. Mr. Smith said Lisa (Marcolongo) wrote it and Mr. Jacobs signed it. Mayor Silva reported he, Ms. Gatto, the Cologne Fire Chief Shawn Vallauri, and Township Police Officer O'Rourke attended a meeting at the Fairways on Sunday; about 130 people were there; it was mainly about emergency management and steps they can take in preparing in the event there of some sort of

evacuation needed. The Mayor reported questions came up about the fires in there and the residents learned that the water system there is private and that they are responsible for maintaining, testing and making sure the fire hydrants work; another issue was emergency response time and mutual aid was explained to them; and that the new Artists Walk subdivision will have an access road through the back that can be utilized for emergencies. He thanked Chief Tappeiner for allowing (Officer O'Rourke) to be there and said that he explained Nixel and emergency notification systems to the residents. The Mayor commented on many questions being about traffic issues and said he doesn't think timing of the light at Canals was changed.

Public Comment:

Jim Kerrigan said taxes will go up because of 4 casinos closing. Mayor Silva said Mr. Kerrigan is right; that will be a in Atlantic City with someone from the State Department of Labor meeting on the 24th and the Mayors will be meeting in 2 weeks to discuss what can be done because it will impact every municipality in this and other counties because a lot of traffic going through this Township is from Cumberland County. Mr. Guishard said rates in Atlantic City are going up 32% but this Township won't be hit like that. Mrs. Dix commented on the Casino tax assessments being based on revenue and the casinos filing tax appeals then their revenue dropped. Mayor Silva said there are a lot of issues and he doesn't think there is any one solution.

Dan Snodgrass, President of the Rotary Club, thanked the Committee for supporting their Halloween Parade and commented on their plans for this year's 50th anniversary parade. Mr. Snodgrass thanked the Committee for working on New York Avenue traffic issues; he said the road from Victoria Crossing and Victoria Pointe wonderful but the intersections are disgraceful. Mayor Silva commented on there being more than 2300 units from Harding Run to where Mr. Snodgrass lives and the possible number of cars coming from them; and the proposed 100 units at New York Avenue and Route 40. Mr. Snodgrass said West Jersey Avenue is becoming a throughway for people who want to avoid the Black Horse Pike. Mrs. Dix commented on traffic from Egg Harbor Township coming through and dumping into the intersection at Canal's. Mayor Silva commented on people not being happy with Cates Avenue being cut through because it became a major cut through and speedway. Mrs. Dix suggested Cates should be a County Road because it crosses two municipalities. Mr. Snodgrass commended Lisa Marcolongo for her professionalism and assistance to the Rotary and all the different organizations in town.

Ana Schliefer commented on speeding on Main Street; traffic not stopping for pedestrians crossing the street; witnessing many accidents; and cars that don't have the right of way turning in front of you when the light at the intersection on Main Street turns green for traffic to move forward. Mayor Silva said the speed limit is 25 mile per hour. Mr. Guishard said he wasn't aware there was that much of a problem on Main Street. Mrs. Dix commented three cars being damaged in an accident there yesterday and witnesses speculating that the driver was going 35 miles per hour.

John Percy explained he doesn't like the PILOT Program because it is a State operated subsidy taking from those who have and giving it to those who don't. He commented on dealing with COAH year ago when he and Mr. Pritchard were on Township Committee and said this municipality never shirked its COAH responsibility. Mr. Percy said the Township never ever had a PILOT Program before and now they have a builder is saying "you will do the PILOT Program". He commented on COAH making rules and asked what happened to State mandate, State pay law; who is testing these (COAH) rules in the court system; and what case law is being followed? Mr. Percy said it has nothing to do with the developer themselves.

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

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

Ms. Gatto moved, seconded by Mrs. Dix, 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 P.B.A. contract 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 to result from the discussions at this time.

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

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

ATTEST:

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

Public meeting adjourned to executive session at 8:17 PM.