

Township of Hamilton, NJ
March 9, 2009

A meeting of the Township of Hamilton Industrial Commission was held on the above date with Chairman Robert RaVell presiding. Members present were Gordon Craig, Carmen Fichetola, Rob Kealey, Ariane Newman and Rocco Policarpo. Also present were Randolph Lafferty, Solicitor, and Tony DiDio, Real Estate Agent.

Compliance with the Open Public Meetings Law was acknowledged.

Magic Sports and Health Complex, LLC – Steven Brog, Attorney, and Ronald Nametko, President, were present.

Mr. Brog disclosed that Mr. Craig is a client of his firm.

Mr. Craig recused himself, and stated he did not believe there was any impropriety, but he would not be participating in any matter associated with Magic Sports and Health Complex, LLC, as long as Mr. Brog's firm is Magic Sport's legal representative, in an effort to avoid the appearance of impropriety.

Mr. Lafferty commented that the situation doesn't necessarily require Mr. Craig to recuse himself, but it was his decision.

Mr. Brog requested that the Commission grant a three month extension of the Agreement of Sale, which would extend the contract to June 18, 2009. He expressed the opinion that Magic Sports had been moving forward in pursuit of its approvals, and noted that \$1,900,000.00 has been expended to date.

Mr. Brog advised that the public hearing commenced on March 5 before the Planning Board, and it has been scheduled to be continued on April 2. He reported that there is one more witness for the Applicant to present; the Board's professional consultants will present their reports; and the hearing will then be open to public comment.

Mr. Brog commented that the hearing would have been continued on March 19, but the Board's attorney had scheduled a vacation and was unable to be present.

Mr. Brog stated that other approvals would have to be secured after the Planning Board grants its approval.

Mr. Randy advised the Commission to consider whether Magic Sports has diligently been pursuing its approvals before making a decision to deny or to grant the request for an extension.

Mr. RaVell referred to Section 12.1, under "Article Twelve Developmental Approvals Required", of the Agreement of Sale, which provides for the diligent pursuit of all other

necessary approvals, including the issuance of a building permit, and noted that the Commission would be looking for Magic Sports to get to that point.

Mr. RaVell pointed out that the matter could be discussed in Executive Session, but that it would be considered openly unless a Commission member felt it should not.

Mr. Policarpo moved, seconded by Mr. Fichetola, to grant a three month extension of the Agreement of Sale between the Township of Hamilton Industrial Commission, Commission and Magic Sports and Health Complex, LLC, to purchase Lots 3, 23.01, 28, 33 and 34 in Block 991, pursuant to the terms of Article Three, Section 3.3 and Section 3.4, of the Amended Agreement of Sale, dated September 18, 2006.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Craig – Recused
Mr. Fichetola – Aye
Mr. Kealey – Aye

Ms. Newman - Aye
Mr. Policarpo - Aye
Mr. RaVell – Aye

SAID MOTION CARRIED.

Public Comment – Mr. RaVell opened the meeting to public comment.

Lynn Kesselman asked if people speaking during public comment had to be sworn, and Mr. RaVell responded in the negative.

Adjournment – There being no further business, the meeting was adjourned.

Respectfully submitted,

Nancy Rainbow, Secretary