

Township of Hamilton, NJ
April 1, 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 and Ariane Newman. Also present was Randolph Lafferty, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Craig moved, seconded by Ms. Newman, to approve the minutes of the meeting of February 4, 2009, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Mr. Kealey moved, seconded by Mr. Craig, to approve the minutes of the meeting of March 9, 2009, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Environmental Investigation Access Agreement – Mr. Lafferty informed members that he had reviewed a proposed access agreement involving the remediation of the Township’s landfill that would require the Commission’s signature, as the Commission is the primary landowner in the area of the investigation. He stated that he and Mr. RaVell shared a concern with regard to the proposed locations of monitoring wells that had the potential to affect development of the involved property. Mr. Rafferty stated that, in response to that concern, a meeting had been arranged with representatives of Magic Sports and Health Complex, LLC, and Land Resource Solutions to discuss the issue, and Summit Associates had asked Mr. RaVell to express Summit’s concerns. Mr. Lafferty stated that, as a result of the meeting a decision was made to separate the investigation from the remediation, so there will be another agreement at a later date relative to the placement of monitoring wells. He advised that the Commission will involve its contract purchasers with the issue because of their interests, and the wells will probably transcend the period of closing.

Mr. Lafferty asked the Commission to authorize the Chairman to execute the Right of Access and Indemnity Agreement between the Commission and Land Resource Solutions. He pointed out that the document assures the Commission’s rights are protected and adds the Commission as an additional insured on the company’s policy of insurance.

Mr. RaVell discussed the tests that would be involved, landfill recovery, method of closure, redevelopment possibilities and possible landfill access road contamination. He noted that everyone involved understands that placement of the wells has to be sensitive to potential development of the affected properties.

Mr. Craig moved, seconded by Mr. Fichetola, to authorize Mr. RaVell, to execute the “Right of Access and Indemnity Agreement” involving the Commission and Land Resource Solutions and Block 991, Lots 27, 28, 36 and 37 and Block 994, Lots 39-41, 58.12, 58.13, 58.15-48.19.

Mr. Craig suggested including an expiration date, and Board members asked questions and commented. Mr. Lafferty responded.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Craig – Aye, for all the reasons discussed.
Mr. Fichetola – Aye
Mr. Kealey – Aye
Ms. Newman – Aye
Mr. RaVell – Aye

SAID MOTION CARRIED.

Magic Sports and Health Complex, LLC – Mr. RaVell informed the Commission that the hearing before the Planning Board for Magic Sports and Health Complex, LLC's, project had commenced, and the Secretary advised that the hearing was scheduled to be continued on May 7, 2009.

Mr. RaVell noted that it is anticipated there will be neighborhood opposition to the project, and the public will be given ample opportunity to ask questions and comment on the proposal during the public comment portion of hearing.

Mr. RaVell reminded members they should not comment publicly on the application before the Planning Board, and they should refrain from being present during the hearing, as the Commission's mission is separate and distinct from the Planning Board process.

Mr. Lafferty agreed, pointing out that the contract purchaser will be back before the Commission at some point.

Business Park Entrance – Mr. Fichetola reported that some rhododendron plants are dead at the Business Park entrance and should be replaced. Mr. RaVell asked him if he would contact Mr. Puggi and direct him to replace the dead material, and Mr. Fichetola agreed to do so.

Mr. Fichetola, also, agreed to remind Mr. Puggi that he is to power wash the fence and brick at the entrance as authorized to do last year.

Vouchers – Mr. Kealey moved, seconded by Mr. Craig, to authorize payment of a voucher in the amount of \$892.50, submitted by Mr. Lafferty. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "Nay", NO "ABSTAIN".

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

Respectfully submitted,

Nancy Rainbow, Secretary

