

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, Richard Cheek, Carmen Fichetola, Rob Kealey, Rocco Policarpo and Guy Tunney. Also present were Randolph Lafferty, Solicitor, and Tony DiDio, Real Estate Agent.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Policarpo moved, seconded by Mr. Craig, to approve the minutes of the meeting of October 1, 2008, as published. SAID MOTION CARRIED WITH SIX MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

Marketing Properties – Mr. DiDio advised of properties he was marketing within the area, and commented that activity is very slow due to the state of the economy,

Magic Sports and Health Complex, LLC – Mr. RaVell referred to the request of Magic Sports and Health Complex, LLC, for an extension of time pursuant to the terms of the Agreement of Sale, that had been added to the agenda as a late item. He stated that a revised agenda, listing the matter, had been posted on the Township’s website and on the bulletin board near the Clerk’s Office in Town Hall, and that it was the Commission’s belief, as well as the belief of the Commission’s Solicitor, that this action complies with the intent of the Open Public Meetings Act. Mr. RaVell noted that certain individuals who had expressed an interest in the matter had been notified that the matter had been added to the agenda.

Mr. RaVell advised that the Commission had not received any information from Magic Sports since the last interim status report, dated June 5, 2008, and that no information had been provided with Steve Nehmad’s letter, dated December 2, 2008 within which he had requested to be heard. He acknowledged the significance of the matter to all interested parties, and the importance of making all pertinent information available in advance, in order for the Commission to make an informed decision.

Mr. RaVell suggested that a special meeting be conducted to consider the extension request, prior to which information would be provided and certain actions would take place.

Mr. Kealey moved, seconded by Mr. Fichetola, to conduct a special meeting on December 17, 2008, at 6:00 PM, to consider the request of Magic Sports and Health, LLC, for an extension of time pursuant to the terms of its Agreement of Sale with the Commission, conditioned upon the following: that, prior to the special meeting, the issues involving Planning Board escrow fees are resolved and the application before the Planning Board is returned to active status; that Magic Sports will proceed with the review process before the Planning Board; that a comprehensive report in letter format will be submitted to the Commission’s Secretary by December 15, 2008, that addresses the current scope of the project, advises of the projected timetable for completion of the review and approval process, advises of the estimated timetable

for completion of the project in total, includes some indication as to the financial capability of the Purchaser to perform under the Amended Agreement of Sale, and would include any other information that the Purchaser deems appropriate for consideration.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Craig – Aye  
Mr. Cheek – Aye  
Mr. Fichetola – Aye

Mr. Kealey - Aye  
Mr. Policarpo - Aye  
Mr. Tunney – Aye  
Mr. RaVell – Aye

SAID MOTION CARRIED.

Stephen Nehmad, attorney representing Magic Sports and Health Complex, LLC, was present and stated he would provide a letter that would include the requested information and will see that the Planning Board review escrow account is brought current.

Mr. RaVell acknowledged the presence of Bruce Strigh and Charles Cain and asked if they would like to offer any comments.

Mr. Strigh asked if he would be able to comment on the matter when it is considered on December 17<sup>th</sup>.

Mr. RaVell advised that there would not be a public hearing when Commission members would be considering the matter, and that it would be handled in accordance with standard procedure at an open public meeting; but consideration would be given to accommodating his request. Mr. RaVell suggested that he submit his comments in writing in advance of the meeting.

Mr. Cain asked if Mr. Strigh's written comments would be distributed with the Commission's agenda package if they were presented by December 15<sup>th</sup>.

Mr. RaVell agreed to allow Mr. Strigh's letter to be distributed, but emphasized that it would not become a formal part of what the Commission would be considering.

Later in the meeting, Mr. Lafferty advised that Mr. Nehmad had requested to meet with the Commission's Negotiating Committee, and Mr. RaVell stated he would make the arrangements for the meeting.

Hamilton Business Park Entrance Maintenance – Mr. RaVell informed members that proposals for maintenance of the entrance to the Business Park had been presented, and they would be considered at the Commission's next regular meeting.

Harrison Beverage/Summit Associates – Mr. RaVell reported that he had briefly attended, telephonically, a workshop meeting that had taken place with Planning Board consultants and representatives of the Atlantic County Special Services School, Hess School and Harrison Beverage to discuss an issue involving truck traffic and school traffic. Mr. RaVell

stated he had made it clear to those present that the Business Park had been designed for the uses permitted, and that School traffic safety would be considered, but he would vigorously oppose any proposed restrictions on any responsible operating activities of Harrison Beverage.

Mr. RaVell noted that John Visceglia of Summit Associates and his engineer were, also, present, and a discussion had taken place about what Summit's future plans would be regarding possible street reconfiguration. Mr. RaVell commented that he does not favor street vacations, but would be amenable to considering a plan that would better accommodate Summit's development plans and provide appropriate traffic circulation.

Business Park Standards – Mr. RaVell advised that there have been discussions with regard to developing separate development standards for the IBP Zone.

2009 Budget – Mr. RaVell stated that he had prepared a draft budget, and would be providing Mr. Policarpo with a copy so a consensus could be reached and the budget proposal could be presented to Township Committee.

Adjournment – Mr. Craig moved, seconded by Mr. Fichetola, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AY”, NO “NAY”, NO “ABSTAIN”.

Respectfully submitted,

Nancy Rainbow,  
Secretary