

A meeting of the Township of Hamilton Industrial Commission was held on the above date with Chairman Robert RaVell presiding. Other members present were Eric Aiken, Gordon Craig, Carmen Fichetola, Ariane Newman and Charles Pritchard. Also present was Robert Sandman, Solicitor, and Roger Silva, Mayor.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Aiken moved, seconded by Ms. Newman, to approve the minutes of the meeting of November 7, 2012, as published. SAID MOTION CARRIED WITH FOUR MEMBERS VOTING “AYE”, NO “NAY”, TWO “ABSTAIN”.

Mr. Craig moved, seconded by Ms. Newman, to approve the minutes of the Executive Session conducted on November 7, 2012, as published. SAID MOTION CARRIED WITH FOUR MEMBERS VOTING “AYE”, NO “NAY”, TWO “ABSTAIN”.

Exclusive Real Estate Broker Listing Agreement – Mr. Sandman reviewed with the Commission the 2009 contract it had entered into with NAI Mertz, and offered advice and requested direction with regard to additional language and changes to certain provisions. He suggested that the Commission, when soliciting RFP’s for an exclusive Real Estate Broker in 2013, include a copy of the contract that the chosen realtor would be required to sign.

After much discussion, it was decided to use the January, 2009, contract as a template, and to include the following provisions: an exclusion for payment of a real estate commissions on deals between government entities; payment of a ten percent real estate commission; payment of ten percent of the deposit to the broker, with ninety percent being kept by the Commission, in the event the buyer defaults; the contract term would be for a period of one year; in order for the realtor to be entitled to a real estate commission after the listing agreement has expired, closing would have to take place within two years of expiration of the listing agreement, contingent upon there being a written Agreement of Sale, executed by both parties, and not vetoed by the mayor, during the term of the listing agreement, with the possibility of additional time at the discretion of the Commission; in the event of a dispute with regard to the listing agreement, the parties shall arbitrate as the first dispute resolution vehicle pursuant to the American Arbitration Association; hold harmless provisions; excluded from the real estate commission would be any monies paid to the Commission for an extension of time; and in the event another broker is involved, any entitled real estate commission split shall be arranged between the brokers..

Mr. Sandman was requested to prepare the Request for Proposals. The RFP is to require realtors to provide written detail as to how they intend to market the business park, and is to set forth that the Commission would then invite selected realtor(s) to appear before it to discuss marketing strategy before the Commission makes a final decision. He promised to have the draft document to members to review before the Commission’s next meeting.

Mr. Silva expressed the opinion that having an exclusive real estate broker to market the Park was a good idea, particularly considering present economic conditions.

NJDEP Issue – Mr. RaVell discussed the NJDEP issue and the need to OPRA that agency’s records to determine what would need to be addressed. He suggested that it be pursued early next year.

Reference was made to Trevan Houser’s involvement on behalf of the Commission and retaining Mr. Houser to be the LSRP with respect to the matter, as he has been retained to act in that capacity by the Governing Body with regard to the Landfill site.

Mr. RaVell referred to Summit Associates’ involvement and the letter of “no further action” issued to Summit by NJDEP that involved the parcels of land for which development approval was received; and he commented that review of the DEP record related to the other parcels may result in the same action.

Mr. Sandman stated that he would OPRA the record at NJDEP before the next meeting, and would talk to Mr. Houser.

Mr. RaVell reminded everyone that Phil Sartorio had offered to visit the NJDEP office to review the record once the OPRA request has been filed.

Robert RaVell Retirement from the Industrial Commission – Mayor Silva acknowledged Mr. RaVell’s forty year tenure as a member of the Industrial Commission, and commended him for volunteering his time and for the efforts he had put forth throughout those years to promote Business Park development in the best interest of the Township. He invited Mr. RaVell to attend the December 17, 2012, Township Committee meeting so he could be recognized for his service to the Community.

Mr. RaVell stated that he had been privileged to serve as the Commission’s chairman, but commented that the accomplishments achieved by the Commission were only possible due to the support and encouragement of his efforts by all those past and present members who had served with him over the years. Mr. RaVell recognized Carmen Fichetola’s tireless and persistent efforts to see that the Business Park’s buffer lots and entrance were beautified and maintained. Mr. RaVell, also, recognized Mr. Policarpo’s assistance during many difficult times. He stated that it was his distinct pleasure to serve and that service was its own reward.

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

Respectfully submitted,

Nancy Rainbow, Secretary