

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
MARCH 7, 2005

The regular meeting of the Township Committee of the Township of Hamilton was held on the above date with Mayor John Sacchinelli presiding. Members present were Frank Giordano, Robert Mattle Jr., Thomas Palmentieri and Charles Pritchard. Also present were Edward Perugini, Township Administrator, Joan I. Anderson, Township Clerk, Norman Zlotnick, Township Solicitor and Robert Smith, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Meetings law by posting a notice of the meeting on the bulletin board in the municipal building and by faxing a copy of said notice, along with the agenda for this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers, stating this meeting would take place in the municipal building, Mays Landing, NJ on Monday, March 7, 2005 with a land sale at 6:00PM and the regular meeting at 6:30 PM.

Mr. Giordano moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting adjourn to an executive session to discuss the Harding Highway LLC litigation, which is exempt from public discussion under terms and provisions of the Open Public Meetings Law. The results of said discussion will be made public as soon as the litigation is settled.

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

The Township committee reconvened in Public Session at approximately 6:56 PM.

Mr. Pritchard moved, seconded by Mr. Mattle, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Agenda Item 5.D, a resolution re: accepting Planning Board recommendation on amending Section 203-184 Public Utility Substations is hereby deleted.

BE IT FURTHER RESOLVED that the following items be added to the agenda of this meeting for consideration and action to be taken thereon tonight:

8.A Insert names of businesses:

- (1) The HUB - retail clothing store at Mays Landing Plaza, Route 40
- (2) A+ Commercial Office Cleaners - home office on Tanglewood Drive

8.M Authorize Township Clerk to forward to Div. of A.B.C., without objection applications for special permits for social affairs:

- (1) V.F.W. Post 220 pig roast on May 21, 2005 11AM-7PM - beer only
- (2) Cologne Vol. Fire Co. annual chicken BBQ on June 4, 2005 11AM-10PM  
- beer only

8.N Resolution confirming that with the acceptance of Diane Gruhle resignation (agenda Item 11.B) the Township no longer has a Qualified Purchasing Agent and that the bid threshold is reduced to \$17,500.00 effective March 1, 2005

8.O Accept bond Safeguard Insurance Co. Maintenance Bonds for Clayton Self Storage Phases I and III:

- (1) Bond #5012404 - \$16,156.12 Phase I
- (2) Bond #5009743 - \$7,918.90 Phase III (Bl. 991/Lot 3.01)

8.P Accept Gulf Insurance Company Maintenance Bond #B21862042 - \$9,293.01 Phase II (Bl. 991/Lot 3.01)

8.Q Accept Westchester Fire Insurance Company bonds as performance guarantees for Clayton Self Storage Phases IV, V and VI:

- (1) Bond #K07156819 - \$63,252.60 Phase IV (Bl. 991/Lot 3.01)
- (2) Bond #K07156820 - \$35,044.20 Phase V (Bl. 991/Lot 3.01)
- (3) Bond #K07156832 - \$63,023.10 Phase VI (Bl. 991/Lot 3.01)

8.R Accept Bond Safeguard Insurance Company \$797,011.98 bond #5015783 as a performance guarantee for Kara Homes Horizons at Woods Landing project Ph. IIIB

8.S Authorize public land sale April 4, 2005 at 6PM for Block 27/Lot 19.01  
3/90 acres Fourth Avenue FA-10 Zone Minimum Bid \$1,945.00

11.B Accept resignation of Diane Gruhle, Purchasing Agent, effective March 1, 2005

11.C Appoint Mary Teresa Dreager secretary to ESAB Board at \$1,750.00 per year effective March 7, 2005

12.A Add minutes of February 14, 2005 Special Budget Meeting

12.B Insert bill list total: \$3,253,388.96

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

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There were no executive session confirmations to be made.

Early Public Comment on agenda items

Peter Lalor, one of the principals in the proposed Commonwealth Shore Facility, cited a quote by a famous German politician that citizens should never see how their sausages or laws are made. He said he hoped that was not true of the ordinances of Hamilton Township. Mr. Lalor said that later this week Commonwealth Shore was to have the first opportunity to make a presentation to the public of the substantive facts about their project but over the last 6 months or more opponents of the project have been spreading misinformation and disinformation about it in an attempt, and apparently they were successful, to convince the public that it is a bad thing. Mr. Lalor said that members of the public would speak in a heartfelt and honest manner to oppose the project tonight but their opposition will be based on the misinformation and disinformation that they have been fed. Mr. Lalor said the public has been told the project would be unsightly, that it would be noisy, that it would be dirty and that it would not be needed and none of that is true. He said that our society has a long established and well-recognized means for sorting out the truth and lies by putting people under oath and having them swear before God that they are telling the truth. Mr. Lalor said that they are then subjected to cross-examination under oath just in case they aren't telling the whole truth. He said that is a process that would have taken place later this week before the Planning Board and Commonwealth was looking forward to that but the opponents of the project feared it and didn't want it to happen. He said the opponents don't want the truth to be revealed and the lies exposed. Mr. Lalor said that of all the people in the community the Township Committee Members ought to be the most concerned that the truth seeking process run its course and that the process not be derailed by people who are making misrepresentations. He said the Township Committee Members are the ones with the trust of the citizens and the electorate to do the right thing. Mr. Lalor said that it seemed to him that the Township Committee should make sure that the truth seeking process runs its full course and not be derailed whether the truth seeking process took place before the Planning Board, some other organization appointed or nominated by the Committee or before the Committee itself. He said that he thought anything less would be a betrayal of the trust the electorate has vested in the Committee. Mr. Lalor submitted letters from his attorney and two maps having to do with the potential need for the project in the near future to be made part of the record.

Robert RaVell commented on being part of other organizations but he was speaking only for himself tonight. Mr. RaVell said he has been following the power plant issue by reading newspaper accounts and talking to some of the people involved. He said that he thought the Township Committee took a tact that was unusual when the Planning Board made a decision that was contrary to what the Township Committee would have liked. Mr. RaVell said the Committee substituted their judgment for the judgment of the Planning Board that was duly appointed by the Committee to do exactly what they did. He said that he didn't know that the Township would know right now whether the Planning Board findings were correct or incorrect because technology is changing so much that what constituted a generating station that you think of when you think of a B L England plant and what you may think this type facility would look like would probably be comparing apples and oranges. He said the Township Committee went further by wanting to pass an ordinance that will not permit any of this type of generating station within our Township and by asking an abutting community to do the same. Mr. RaVell said that everyone knows people demand more and more power because they don't want compressors on refrigerators to burn up and they want their rooms to be cool in summer and warm in winter. He said that if the Township Committee does this they are telling the world they want all of those things but they do not want any of the inconvenience of having a facility such as this, wherever it may be, in our community and that they want it in someone else's community. Mr. RaVell said he was offended from the moral sense not by the judgments made. He said it appeared the Township Committee is rushing judgment to fix something that, if time had been allotted, may not be broken. Mr. RaVell suggested the Township Committee and all parties involved step back, take a more reasoned look at it and re-examine their positions. He said he thought that the neighbors had legitimate concerns that should be addressed but he thinks everyone would be better served if the kinds of decisions that people are looking for the Township Committee to make were made in a different environment. He suggested that the Township Committee table the ordinance and give themselves time to weigh whether or not what they are doing is appropriate. Mr. RaVell said that if, after having done that, it is appropriate he would applaud the Committee for it.

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John Pucci, Sr., said there is obviously a difference of opinion in the room and he wanted to speak in support of the Planning Board. Mr. Pucci said the Planning Board Members are not the enemies. He said that Mayor Sacchinelli appointed most of the members and that the members collectively have over 50-60 years of experience on the Planning Board. He said that they listened to 12 hours of testimony and most of them exhausted a day from their personal lives to actually visit one of these sites. Mr. Pucci said he didn't want to get into the particulars of the differences of opinion but the Hamilton Township Planning Board is not somebody's cronies as is stated on someone's web site. He said that he thought the Township Committee should applaud and commend the Planning Board for going through the process, for leaving their families to make 7 o'clock meetings, and for being on the Board 5-6 years and never missing a meeting. Mr. Pucci said the Board Members are Township residents also. He said he wanted the Township Committee to recognize the many hours of work the Planning Board did to come to a decision or at least be part of the process.

Bill Christman said that he was not present tonight to argue the peaker plant because he spoke at a Township Committee meeting a few months ago about having found the research he was asked to do. Mr. Christman said it saddened and troubled him to have to be here tonight. He said he is a resident like everyone else. Mr. Christman said that he has been on the Environmental Commission a little more than 18 years and on the Planning Board for 5 years. He said he has a 12-year-old autistic son and has been very involved the past 4 years in finding out what causes autism. Mr. Christman said one of the newest links to autism is mercury and the B L England plant is one of the highest producers of mercury on the east coast and that concerns him. Mr. Christman said that in the beginning he was dead against the power plant but as he got into almost 7 months of research he discovered things that he never knew existed like new technology and alternatives to the old. He said he was glad to see the residents are concerned and coming out but he is disappointed that the meeting on March 10<sup>th</sup> is not going to happen right now. He said that is when the debate would have taken place and that was the date that the Board hoped the public would come out, ask questions and the information would come out. Mr. Christman said he was disappointed at what happened with the Township Committee because the new ordinance stalled that attempt. Mr. Christman said he knew all of the Committeemen and that they are all in favor of clean air. He commented on having been involved with all of the testimony given. Mr. Christman said he respected Mr. Wristbridge and that Mr. Wristbridge put a lot of good information on the table but Mr. Wristbridge stated on his web site that in 2007 it is quite likely that the politicians will postpone the closure of the B L England plant because of power shortages. Mr. Christman asked the Mayor if he was one of those politicians and if he wanted to see the B L England plant remain open or if the Mayor knew of any politicians that are seeking to keep that plant open. The Mayor said no to each of the questions. Mr. Christman asked the Mayor to ask Mr. Wristbridge to identify those politicians. Mayor Sacchinelli said he wouldn't get into cross-comments. Mr. Christman said he spent 4 days researching EPA to find out what groups are against closing the B L England plant. He said there are groups out there that have been very diligently trying with politicians that "we all know" to keep the B L England plant open. He said that the Planning Board received great testimony but the problem with it is that it all came from people connected one way or another with Conectiv. Mr. Christman said there is a massive movement to keep the B L England plant open and they would love to see Townships like Hamilton, Egg Harbor Township and Weymouth make ordinances that say they will never allow power generating plants to be built in their Township. He said that will fuel those groups because it will convince the EPA that the people decided to keep these cancer-causing, possibly autism-causing dinosaurs in existence. Mr. Christman said this is bigger than he ever imagined and it makes him sick that there are politicians in our own neighborhood that would actually be in favor of keeping these pollutants open for one reason or another. He suggested keeping on arguing, whatever happens with this peaker plant, and hear both sides. Mr. Christman asked the Committee not to do an ordinance that will never allow generator plants in the Township because by doing that, the Committee is saying that they are all for pollution and it would also put a monopoly in the hands of one company to be the power supplier. Mr. Christman said the Township has the rare opportunity right now to be part of the process to control what its electric bills will be in 2 to 3 years. He commented on the rates in California being 4 times higher than they were 15 years ago because of the same situation. Mr. Christman said this is not about the residents' health and safety. He suggested the residents do their own research and said they would be amazed at what is going on to grab their money. Mr. Christman said the people could have a say in what happens with their power energy but now is the time to find out. He said he isn't in favor of the peaker plant. Mr. Christman said that he knows the people on the Planning Board are good, honest people and that they do listen. He said no one has made a decision to approve a peaker plant yet. Mr. Christman said that they have gone as far as to say there is more to the story, let's air it out and let everybody hear what needs to be said.

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He asked the Committee to table consideration of the ordinance for now if they are going to insist on creating an ordinance like this because it is more than the little bit of information that they have gotten from basically one source. Mr. Christman said there more to the story and that it is deep and ugly.

Tim Gursky said he was a lifelong resident of the Township. He said he wanted to talk about the peaker plant because of what happened three years ago when there was a brown out in Chicago and the surrounding area. Mr. Gursky said people died there because no one stood up and did anything important to make a difference. He said we have been lucky but if we get 110-degree temperatures for 30 days and something happens at Oyster Creek there will be a brownout and funerals. Mr. Gursky said we have a responsibility to take care of the elderly people because they took care of us. He said to forget about the politicians and who makes money off the deal and someone hiding over there to cover your votes. Mr. Gursky said he has seen the wires over there and they are ready. He said that if a problem comes up with our electrical networks the elected officials will be nullified because a Utility Authority will come in. Mr. Gursky said that if a Utility Authority comes in it will take the people's homes, garages, roads and community and there is nothing the people can do about it. Mr. Gursky referred Mr. Sandman having said that Mr. Gursky can't say that there was ever a brownout here. Mr. Gursky said that he is more qualified to say there hasn't been a brownout than Mr. Sandman is to say there will never be one. Mr. Gursky said the Township has to consider what it is doing and about the potential harm of elderly people. He said that when an Authority comes in the plant is going in there because it is designed for there and there is nothing the Township can do about it. He said that the difference is that it will go on the Egg Harbor Township side. Mr. Gursky said Egg Harbor Township will never pass an ordinance like Hamilton Township's and then an Authority will come in and take control of everything. He said that when an Authority takes control, the people lose control. He said that the bickering about what a word means or interpretation of a plant is ridiculous. Mr. Gursky said the elderly need to be protected and they have no protection if an Authority comes in. He said that if anyone who goes against the Authority under today's rules of engagement it would be a terroristic act. He said the people can do something about it now, they can join together and put restraints in place and it will be 5 years before the plant turns on. He commented on remarks about people selling their house because of the plant and said that they made \$60,000.00 on it when they sold. Mr. Gursky said the value of the homes will not go down. He commented on going to an electric plant on the White Horse Pike in Atlantic City and said he couldn't hear it running when he got out of his car. He suggested the Township be careful what they do and stop being enemies. Mr. Gursky expressed his opinion his job was to bring a conscience to the table instead of hurting people's feelings or getting a vote. He said that he attended a Republican meeting to hear about the plant said he was upset when he heard things like "my mayor is a snake". Mr. Gursky said the Mayor will be used. He said Mr. Sandman will make money on the deal and his wife will spend it. He asked who would defend their mothers if there was a brownout and their mothers died.

John Rogers said he has been in the electrical business, worked on power plants and worked at NAFEC for 35 years taking care of their power plant. He said it is a shame the Township can't get the ratables that would come in if there was a power plant here. Mr. Rogers said his son works at the B L England plant and they had to do all kinds of things to clean up the pollution but it didn't work and that is why they are going to close it. He said he understood the new plant (proposed peaker plant) will comply with sound (regulations). He said there isn't going to be any hydrocarbons from gas. Mr. Rogers said people have more hydrocarbons in their own homes from their gas stoves and breathe it. Mr. Rogers said the plant will put it in the atmosphere and he doesn't believe it is going to hurt anybody. He said he wondered if the people against the plant were more worried about the resale value of their homes. He said that he didn't see where they were worried about the kids because the gas isn't going to hurt them a bit. Mr. Rogers said he worked around noisy generators at the Base where it didn't bother anybody but he understood that they are going to build a gas powered plant in the near future. He said his other son works for the electric company and gets into all the peaker plants in the area. He said that his son told him that he didn't see anything wrong with it. Mr. Rogers said that if a plant is built here they will try to quiet it down by building barriers, etc. He said he hasn't had a chance to talk to Mr. Lalor yet. Mr. Rogers said that he has a few suggestions but will keep them to himself for now.

Guy Tunney thanked the Committee for the opportunity to get things off his chest. He said he is a life-long resident of Mays Landing and that his family moved here in 1950 and his family has made their living selling real property since 1950. He said that he is 47 years old, a husband and the father of 3 boys. Mr. Tunney said he also makes his living in the real estate industry. He said he has sat on the Planning Board and the Zoning Board and was proud to serve his community. Mr. Tunney said he was proud to serve in fair manner because he always thought that the

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applicants somehow got the raw end of the deal. He said he thought there should be some diversity on the Board and that he was successful in getting appointed to the Planning Board by Mayor Sacchinelli. Mr. Tunney commented on having been before both boards as an applicant from time to time. He said he was always treated as an applicant and, if anything, the Boards were a little harder on him so there was no public perception of wrongdoing. Mr. Tunney complimented the Planning Board and said that he has never seen a better bunch of residents and professionals dedicated to serving the Township. He said they were an excellent board and deserved the Township Committee's support. Mr. Tunney said he first met Mr. Lalor in 1998. He said Mr. Lalor is a remarkable individual who has the foresight to see that this area is in need of energy for the future and that there is going to be a problem. Mr. Tunney said the search area was Hamilton Township, Weymouth Township, Estell Manor, Buena Borough and Mr. Lalor asked him to investigate all of them. He said that the key to the project is infrastructure. He said you need the transmission line, gas infrastructure and an interconnection. Mr. Tunney talked about the process of elimination and said that perhaps it was an oversight but the first choice was exactly where they are now but he didn't happen to see a piece of property there at that time. He said that despite what the objectors are saying, Weymouth Township was very receptive to the idea of having the facility in their community. Mr. Tunney said the location chosen was in the forest zone that had the infrastructure, transmission lines, there was a substation nearby and the municipality actually owned the property. Mr. Tunney said they thought it was the greatest spot for it because it was away from homes and in the forest zone where no residential development is allowed but the Pinelands said that this type of project would not go into the forest zone because the forest zone had to be kept pristine, low density and no type of industrial development like this whatsoever. Mr. Tunney said that Pinelands told him and Mr. Lalor to find a location in the growth zone of any community or a Pinelands Village area and the project would be successful in getting a certificate of filing in those areas. He said Buena didn't turn out to be a great option and Milmay didn't have the gas or transmission infrastructure. Mr. Tunney said South Jersey Industries came in under the guise of a public utility substation and expanded their LNG facility in the Reega section that has existed there for some time. He said something then brought him back to that area and he found a piece of property adjacent to the facility that was the right size for the search. Mr. Tunney said South Jersey Industries is to the south of the property, industrial zoned vacant property is to the north, high tension lines that kind of frame the property in from the west and they have gas infrastructure. He said it is a perfect site. Mr. Tunney said that they would have come in to the Planning Board as a public utility substation, get their Pinelands approval and go. He said everybody in this Township starts the Planning Board process with a workshop session. Mr. Tunney said that they did everything right as an applicant; they made an appointment, contacted their professionals, drew up a site plan and came in to a workshop session in good faith. Mr. Tunney said the Township Engineer, a Pinelands Representative, the former Township Administrator Ed Sasdelli, and Mr. Mott the Township Planner were there. He said that the project was explained and everybody gave it a thumbs up that it fit into the definition. He said Pinelands had one or two issues on height, but the wheels were put into motion to proceed. He said that was in 2002 and asked if the Administrator ever reported directly to Mayor Sacchinelli about the workshop meeting. Mayor Sacchinelli said that the Administrator at that time said there was a possibility of a plant coming in the municipality but he gave no indication of where or when. Mr. Tunney said that Mr. Perugini was also involved at one time in a discussion and the Mayor was invited too but didn't show. He asked if Mr. Perugini reported to the Mayor from that meeting. Mr. Perugini said that he did. Mr. Tunney said he was curious and wanted to establish that this is nothing new. He said the Mayor was aware of the project for some time and, if he wanted to squash it he could have done it two years ago. Mr. Tunney quoted his father as saying that when the pirates come to the door pay them what they want. He said that the pirate looks like Bob Sandman's client. He said that he calls it extortion when a man from another municipality wants \$750,000.00 for his property or he will object. Mr. Tunney said they refused and a lot of things took place with the election last year because the Republicans made it a political campaign issue but they still lost (the election). He said the (democrats) held their ground and the people recognized it. Mr. Tunney said that the Sandman propaganda campaign continued relentlessly. He said that he wonders how many people are really buzzing in the Committee's ear about what they dislike about the project. Mr. Tunney said Mr. Wristbridge calls himself a GE specialist in siting frame 7 turbines. He questioned how the Committee could take testimony on air quality issues from someone that has no expertise in air quality issues. Mr. Tunney said Mr. Wristbridge didn't say he was an air quality expert. He said that he thought Mr. Choyce, another objector, was originally worried about sound. Mr. Tunney said there isn't a sound issue and asked if anybody looked at the acoustical analysis report. Mr. Tunney asked if any Committeeman other than Mr. Palmentieri looked at the application. Mr. Mattle and Mr. Giordano said that they didn't. Mayor Sacchinelli said that he didn't because he didn't want it in a residential zone.

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Mr. Pritchard said he attended some of the Planning Board Meetings and did a little background research. Mr. Pritchard said he agreed with the Mayor that a generating station doesn't belong in a residential area. He said that he told Mr. Sasdelli the same thing when this was introduced 3 or 4 years ago. Mr. Tunney asked if Mr. Pritchard was telling him that he feels the area is more appropriate for more residential use. Mr. Pritchard said that it is a reserve growth area. He asked Mr. Tunney if he had ever thought about investigating purchasing property in the Industrial Park when this was first being thought about years ago because it seems to meet all of the qualifications needed. Mr. Tunney said that he did but a 24-inch gas main is needed and they don't have it there so gas and new transmission lines would have to be run in. Mr. Tunney said that the LNG facility bothered him because it is susceptible to terrorism and if it was hit by a rocket people within a third of a mile would get second degree burns. He said that he has been getting calls from property owners in Egg Harbor Township who would love to put this project through. Mr. Tunney said the danger is that there is going to be a need for it and it will come in. He said that it doesn't matter what the zoning says when that need comes. He said another danger is that Egg Harbor Township isn't willing to change their ordinance. Mr. Tunney said South Jersey Industries has 20 acres and it is well publicized that they are involved in energy projects. He said they would love to do a project like this and it is permitted in Egg Harbor Township. Mr. Tunney commented on the zoning along Delilah Road being perfect for this. He asked where you could go where there isn't a house within a quarter of a mile. Mr. Tunney said this project has the potential of being big as far as community contributions and the community at large could benefit substantially if it is handled properly. Mr. Tunney said he didn't care about the fuzzy math the objectors have been spewing out. He said this has a potential to put real money in the Township coffers for community based projects like community recreation centers. Mr. Tunney suggested Mr. Wristbridge measure the impacts from another 75 houses with 300 cars, leaf blowers and everything else going there and tell him whether or not there is a difference between those impacts and the impact of this plant that won't be seen or smelled. Mr. Tunney said not to feel sorry for him because he won't lose on this land deal, that he will prosper because the land will sell to some other entity and he will come out a winner no matter what.

Ed Young said he has been a resident, taxpayer, businessman and employer in Mays Landing for more than 40 years and a member of Mays Landing Rotary for more than 30 years. Mr. Young said he believes in giving back to the community as a business owner and that he believes he has done that. He said he had a rare opportunity to hear a presentation about the peaker plant made by the applicant to the Rotary Club. Mr. Young said Mr. Mimmel, a member of the Club, asked the Members if it would be acceptable to have the presentation because of all of the rumors about the peaker plant. Mr. Young said that after hearing the rumors and the applicant, he is inclined to believe that the peaker plant is a good thing in the Township because it can stabilize the electric power, keep power available and give the taxpayers a break because it will generate a bigger tax ratable. He said it is a shame that the whole story has been obstructed. Mr. Young said he thinks everyone should be given the chance to hear both sides of the argument so that they can make an educated, responsible decision.

Judy Link said she has been a member of the community along Lake Lenape since her parents bought Lenape Park in 1964. Mrs. Link said she has a BS and a Masters Degree in Biology and that she taught for 12 years. She said she has a concern for children and that concern continued after she left teaching and had a skating rink in Blue Bell, Pennsylvania. She said she has been providing recreation for 25 years for kids that people turn their backs on, especially teenagers. Mrs. Link said it took five years of going before the Planning Board before they were able to put up a skating rink in Blue Bell that serviced hundreds of thousands of kids. Mrs. Link said she became involved in the Environmental Commission because with her expertise in the field of science she felt she was needed. She said that she was never asked or surveyed on her expertise in the last 3 years and not at all on the power plant. She said she felt used because the Environmental Committee was never consulted on these issues. Mrs. Link said that if there was a problem with air quality it is the Environmental Committee's charge. Mrs. Link said the Environmental Protection Commission ordinance says that they have the power to conduct research into possible use of open areas and the protection of resources such as air and water and once that is done they are permitted to advertise, prepare, print and distribute books, maps, charts, plans, pamphlets. She said the Commission wasn't asked for any of these things. She said that if the power plant involved a problem with the health and welfare of children, the Commission was entitled to be asked and to do a research project on it and submit it to the Township Committee and not be ignored. Mrs. Link asked the Township Committee to table the ordinance tonight, to let due process happen and to let the Environmental Commission do research, produce findings and have it printed in the newspapers.

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Wayne Choyce said the agenda item about a review of a proposed amendment to the Ordinance doesn't mention discussions around the merits of the Commonwealth Shore power project. Mr. Choyce said it was his understanding that the ordinance being considered tonight doesn't prohibit the construction of a generating power plant in the Township but that it does restrict where it can be built. Mayor Sacchinelli said that was correct. Mr. Choice said he believed the thrust of the ordinance was to restrict construction of a power generating facility in a residential zone or close proximity of one and to allow the construction of the power facility within the community but it begins to control where it can be built. The Mayor said that was correct. Mr. Choyce said that if that was the proposal being presented to the general public tonight he supported it. He said he supported the Township Committee decision that it doesn't belong in a residential area and that there are other areas within the Township where the facility could be built. Mr. Choyce commented on Mr. Tunney's argument about the infrastructure at the present proposed location being a sweetheart site and said that it is but he said that he would argue that the same transmission line and the same gas transmission line are along the same right-of-way all the way down the bike path from the proposed location to the Industrial Park so the infrastructure does exist in other areas within the Township. Mr. Choyce suggested that people within the Township work with Mr. Lalor to help him find a suitable site that meets their needs and the wishes of the community that that kind of facility doesn't belong in a residential neighborhood. Mr. Choyce asked if he could reserve comment for later on the wording associated with the ordinance when the Committee discussed it. Mayor Sacchinelli said that if the Committee discussed it and introduced the ordinance tonight there will be public comment on it at the next meeting.

Jim Link said the Planning Board is comprised of some very conscientious individuals who go to great length to study all of the applications that come before them not just the contentious ones. He said they spend a lot of personal time without compensation other than doing what they think is right for the residents of the Township. Mr. Link said his hat was off to all of the Board Members, the Mayor, Mr. Palmentieri and Committee Members who served on past Planning Boards. He said it is a thankless job and one that he found to be kind of destructive with this particular application. Mr. Link said that his tires were flattened and his business has been defaced by those who know he is Chairman of the Planning Board and who erroneously think that he has something to make personally off of this application. Mr. Link said that he doesn't care what happens to the applicant or the application and that he isn't supposed to care because he doesn't get paid for it. Mr. Link said the Township Committee asked the Planning Board to serve on the Board. He said they are there to look at applications fairly in accordance with the Municipal Land Use Law and Township Ordinances. He said that is exactly what every member of the Planning Board has done up to this point contrary to what the broadcast media and those who get off on that kind of diatribe would have you believe. Mr. Link said that the applicant officially approached the Planning Board in May and they wanted completeness, preliminary and final site plan approval. Mr. Link explained that for completeness approval the applicant has to meet with the Board Professionals and discuss the merits of their application regarding the requirements of the Municipal Land Use Law such as bulk requirements and all of the technical things. He said that the Professionals and Township Zoning Officer then determine whether it is worthy to put in front of the Planning Board so that they don't waste the Planning Board's time in essence. Mr. Link said that with this application the completeness process was completed in May and the Board deemed the application complete to continue with the hearing on site plan issues based on the recommendation of their Professionals and the Township Zoning Officer. Mr. Link said at the next meeting was held on July 15th and the hearing room was filled. He said the Board was approached by attorneys for two objectors, Bob Sandman representing Mr. Hammerschlag and Damon Tyner who he believes represented Baker Properties. Mr. Link said that the Planning Board bent over backwards to hear a very narrow legal argument regarding the definitions proposed by the applicant regarding the existing ordinance. He said that at several Township Committee meetings Mr. Zlotnick told those attorneys that they should have gone to the Zoning Board and had them make the determination but they didn't want to do that, they went to the Planning Board and ask the Board to do it. Mr. Link said the Planning Board had no obligation to bifurcate the argument or the hearing but they did because they thought it was in the best interest of the Township and the residents to hear the arguments against what the ordinance said. Mr. Link said that the Planning Board did the substantive study Township Committee asked them to do. He said they came back with a finding that the 1983 Ordinance was extremely vague concerning definitions of public utility substations and public utilities. Mr. Link said the Board heard almost 15 hours of testimony and arguments, 3 hours from the applicant and the rest from the opposition. He said that at meetings held in January the Planning Board heard testimony, examination and cross-examination, and then made its determination. Mr. Link said that whether anybody agrees with that determination or not, their decision was made on testimony and followed the process

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prescribed by the Municipal Land Use Law and Township Ordinances. Mr. Link said it is a boring process but it has to be followed meticulously. He commented on the room was filled with dissenters at the meeting in Mizpah when the Township Committee asked the Planning Board to come up with a comprehensive ordinance that would describe all the definitions, uses and restrictions of all public utilities. Mr. Link said that he objected to the time allotted because it would take more than the 2½ months allotted to do an ordinance like this justice. Mr. Link said that the sub-committee he appointed spent a lot of personal time researching, applying what they found through their research and recommendations from professionals, and then they came up with the ordinance that was presented to the governing body a few weeks ago. Mr. Link said there was a dissenting vote on the Planning Board determination. He said now there are people who would have the Attorney General come investigate him and the Planning Board because they followed procedure and the law. Mr. Link said that when he opened the meeting on July 15<sup>th</sup> he said it was going to be a charged application because it was something nobody wanted in their back yard and the Board was very sensitive to that fact. He said his goal was to be fair to both sides. Mr. Link said it was unfortunate that he hasn't had the opportunity to do that through any kind of resolution because of the maltreatment of the applicant, the nasty press, one-sided lies, half-lies, misinformation and untruths. He said there was some truth in what the opposition put forward and he didn't have a problem with it. Mr. Link said he did have a problem with both sides not being given the same opportunity to be heard through the site plan process. He said the members of the Planning Board are being vilified by the media and members of the community and said that is unacceptable. He said the Planning Board has been fair in every one of its deliberations regarding this application or any other application that has come before it. Mr. Link said that the site plan portion was to come before the Board on March 10<sup>th</sup> and that he had planned to state at the start of the meeting that as far as the definition was concerned public comment was not appropriate to that part of the hearing because it was a very narrow legal determination and the Board had heard expert testimony from both sides. He said that he had said the same thing at all of the other meetings and there was no objection from anyone in the room. Mr. Link said that he had also mentioned that the applicant was not being given any rights and that those rights would devolve to the applicant either before the Zoning Board of Adjustment or the Planning Board depending on the outcome of the hearing and legal determination. Mr. Link said that would have happened on March 10<sup>th</sup>. He said that NJSA 40A:55D-10d provides that all interested parties have the right to conduct questions, comments and cross-examination to anyone who gives testimony. Mr. Link said the objectors have taken that right away from the public. He said he thinks it is because the objector doesn't want to go there and, as someone else said, there are deep reasons behind the reason behind the reason. Mr. Link said that right now there is no chance for a fair hearing unless the applicant comes back. He said the people only got one side and that isn't fair. Mr. Link said that he hoped the Township Committee thought the Planning Board and its subcommittee did a fabulous job on the Ordinance that they came back with. He said the Township Committee may or may not agree with it or they have their own agenda. Mr. Link said he didn't have a problem with that because it is part of the process and part of good government but he does have a problem with one aspect of part of the ordinance that will come up tonight. Mr. Link said everyone knew the applicant adjourned the application to a later date that hasn't been set yet. He commented on a letter that was addressed to him being posted on a radio personality's web site today. He said he didn't know how that person got it because he hadn't gotten it yet. Mr. Link said the letter basically said the applicant is going to adjourn to a later date. He said that with it being on the record that the applicant adjourned the application, the governing body has an opportunity to step back and reconsider what they are doing in the process. Mr. Link said Mr. Perugini is good but not as good as a lot of particular professionals out there regarding planning, electricity, utilities and all that kind of stuff. He said that there is a Commission appointed by the Mayor for that very charge. Mr. Link said that in his opinion the Committee should step back because Mr. Lalor isn't going to put an application in. He said that Mr. Lalor said he is going to wait to see what Pineland's says and that will be 6 to 9 months away. Mr. Link said he was sure the Planning Board would not have come to a decision for 3 or 4 months because they have to have special meetings on it. He said the Committee should slow down and get the advice of people they put in charge of ferreting out that information. He said the Environmental Commission should be allowed to study it because they have gotten one side from Mr. Wristbridge and a diametrically opposing side from the applicant and the truth is somewhere in the middle. Mr. Link said the Industrial Commission is, appointed by the Township Committee. He said they are charged by state and local statute to investigate any kind of commercial development within the entire Township, to conduct studies, surveys, publish their results, and bring their findings back to the Township Committee. Mr. Link said the Industrial Commission should be allowed to investigate. He said that the Committee shouldn't take it upon themselves because they appointed people to do it for them in a timely, consistent, thoughtful manner.

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Mr. Link said he was afraid the Township Committee was doing this two months ago because the applicant was applying pressure and if the applicant was granted preliminary site plan approval he would have vested rights that could not be taken away or if they could be taken away it would be very difficult and expensive for the Township. Mr. Link said the applicant didn't want to go through that. He appreciated that because the applicant was saving the residents and himself a lot of headaches. Mr. Link said there was no reason for the Township Committee to put the pressure on themselves now because the applicant has pulled out. He said the Committee should give this to the people that they deemed responsible to do it for them. Mr. Link said that the Planning Board would be glad to help the Committee do it again in accordance with NJSA 40:55D-26 if the Committee gave them the charge and direction on where they found the problem. Mr. Link said the Planning Board could work in coordination with the other advisory commissions so that the ordinance the Committee introduced would be more comprehensive, would fit in with the Master Plan and not be a reaction. He said the Committee has to be proactive here, not reactive.

Mayor Sacchinelli said the Ordinance the Planning Board submitted was comprehensive. He said he had a lot of respect for the Planning Board Members and that he is proud to stand by the appointments that he made. The Mayor said he asked for independent thinkers and he must have gotten them because they thought one way and he thought another. The Mayor said that as he went through that proposed ordinance he only saw a couple of small things. He said that Mr. Perugini got together with the Township's Professionals to revise it and he thinks the Committee now has a very comprehensive ordinance that will fit in. He said he agreed with Mr. Link about the Industrial Commission but he also thinks the Committee has to put this ordinance in place and then let them go by the guidelines that will be in the ordinance. The Mayor said the other ordinance was vague as to substructures, substations and generators and this one is more comprehensive. Mayor Sacchinelli said the he thought Committee should go ahead with this ordinance and continue on with the Industrial Commission to maybe find other locations. He said that no where in the ordinance does it say the Committee is against a power plant in the Township. He said that the Ordinance says that they do not want to have it in a residential neighborhood or within a certain number feet of a residential area. The Mayor said there are other opportunities within the township to have it and that he thought the Industrial Commission should help the Committee locate that area. Mayor Sacchinelli said he thought that if other studies are needed the Planning Board should send it to the Environmental Commission because the Commission is a subcommittee to the Planning Board. The Mayor said he thought it would be good to have them go find out about things like water and air quality but that has to come from the Planning Board to the Environmental Commission. The Mayor said he thought the money was in place to do that. Mayor Sacchinelli said that he thought everyone had been able to sit back and listen to what was going on since May. He said that he thought enough time had been given to really look at this. Mayor Sacchinelli commented on the professionalism he saw come out of the subcommittee, the Planning Board and the professionals. He said that the Planning Board document was outstanding and that he thanked them for it. He said that the Planning Board Members and the Township Committee Members took a lot of heat both pro and con and said the ordinance is a product of that in a short period of time. The Mayor said the Township Committee added to it and that is what they said they wanted to do.

Mr. Link said the circumstances have changed now and the situation is different from when Mr. Giordano made his proclamation last year when he was Mayor. He said the Planning Board did the best they could under the circumstances but it was a duress situation because of the application and time allotted for preliminary site plan approval. He said he appreciated what the Mayor was doing because that is what he said he wanted to do but the situation is different now. Mr. Link said that there is nobody here with a peaker plant application. He said that if there is one they are waiting to see what happens and whether Pinelands certifies the Ordinance. Mr. Link said that the Township Committee should step back and give the Industrial Commission and the Environmental Commission its endorsement and encouragement to do what they were charged with. He said the Planning Board will stand ready to do the bidding of the Township Committee and in accordance with 40:55D-26.

Deborah Lafferty said that she turned in petitions signed by residents of Victoria Crossing, Stonecrest and the Fairways at the last meeting but tonight she was speaking strictly as an individual resident of Victoria Crossing. Mrs. Lafferty said she was a new resident who moved here about a year ago. She said and that she and her husband were away when all of this started in May and when they returned in July they found out that the proposed power plant was going to be across from the Bike Path and from where they live. Mrs. Lafferty said that she talked to a lot of the neighbors in all of those developments last fall. Mrs. Lafferty said she thinks

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those who are in power to make these decisions have to understand that a lot of the residents were afraid. She said that none of the residents were made aware of what was happening while this was going through its process. Mrs. Lafferty said that whether it is good or bad the residents who live there had the right to know that somebody was proposing to build the power plant there. She said they needed to know that and questioned why they were never informed that this had been going on since sometime in the 1990's. Mrs. Lafferty said something is missing in the process if people living in the area can have someone build something, whether it is good or bad, without their knowledge. She said she didn't deny the need to make sure the residents are provided for in the future but it should not be done by leaving the people in ignorance because ignorance breeds fear. Mrs. Lafferty said she thought that was what started a lot of the opposition from the residents. She said the individual homeowners had no idea what was going on and when they tried to gather information at the meetings they were squashed. Mrs. Lafferty said they were told it was an in-your-backyard kind of thing and the Board wasn't going to take public comment. She said that only bred more fear because the people felt like they were being railroaded, shut up, and not allowed to gather information. Mrs. Lafferty said she thought the Township Committee and the Planning Board are trying to do the right thing but they have to understand where the residents are coming from. She said homeowners take pride and have a lot of feelings in what they own and where they live. Mrs. Lafferty said that if the residents felt that was being threatened in any way they would fight it and everybody has to take that into consideration. She said that the opposition isn't going to go away if the people aren't made to feel comfortable with decisions being made by the Township Committee or the Planning Board. Mrs. Lafferty said people will speak louder and gather in larger groups. She said the bottom line is that the residents of these communities elect the officials sitting on the Committee and if they feel those elected officials aren't supporting the decision of the masses it will leave a very bad taste in the mouths of a lot of taxpayers and residents. She said they want to see the officials that they elected do the right thing for the right reasons and at least keep them informed. She asked to have that made part of the forum of what is going on in all of the decisions and that the people be kept informed from both sides by every committee that is involved.

Randy Lafferty said he was present as an individual resident of Victoria Crossing and as the attorney for the 432 member Victoria Crossing Homeowners Association. He said his comments were not intended to impugn the reputations of Guy Tunney, his fellow residents, or any individual or collective membership of the Planning Board. Mr. Lafferty said that he has known Mr. Tunney during his whole professional career. He commented on Mr. Lalor referring to misinformation and disinformation. Mr. Lafferty said that part of the problem was misinformation and disinformation from the applicant including the nature and extent of Atlantic Electric's characterization of their facilities in reference to their PERK 1 applications etc. Mr. Lafferty said he wasn't here to debate the merits of this power plant. He said that he heard this facility referred to as a power plant, generating station and a power generating station but nobody referred to it as a substation. He said that was because it is not a substation. Mr. Lafferty said that the common sense of the public brought the Township Committee to where they are tonight. He said he gave each of the Members tremendous credit for the courage they are exhibiting by reviewing this issue. Mr. Lafferty said that everybody in our industrial society today knows what a substation is and this is not a substation. He said that through the process at the Planning Board it has been defined as a substation and everyone knows it isn't that. He said the public and his client know that it isn't a substation. Mr. Lafferty said he thought the Committee was trying tonight to define that term consistent with the general understanding of the term. He said that he knew there were two proposals before the Township Committee tonight and they both address the issue somewhat differently. Mr. Lafferty said the bottom line is that it is not a permitted use in a residential zone. He said that Mr. Link said the merits could have been addressed on March 10<sup>th</sup> if the hearing had proceeded but that is not true. Mr. Lafferty said the issue that has to be addressed is use of that property for this heavy industrial purpose. Mr. Lafferty said what on the 10<sup>th</sup> the bulk issues and other issues related to the application would have been addressed. He said it would not address the use of that property in the heart of a growing residential district for a heavy industrial purpose, which is the fundamental question that the community is concerned about. Mr. Lafferty said that is the primary issue that has to be addressed and it would not have been addressed. He said that his client urged the Township Committee to proceed with the ordinance and to define this type of facility as what it is whether it is a power plant, a generating station, power generating station or a peaker generating station consistent with the sentiments expressed by the Board of Freeholders and the by Egg Harbor Township. Mr. Lafferty said it is not a substation and the Township's Ordinance should reflect that and reflect that it is not a permitted use in a residential district.

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Peg Schwinger said she hasn't missed a single meeting since the power plant issue began. She said that she heard Mr. Lalor say that he has more things to add to his presentation. Ms. Schwinger commented having seen Mr. Lalor's presentations and said she can't remember when she saw a more thorough one and she doesn't know what more there is to add. She commended Mr. Lalor on his presentation. Ms. Schwinger said she was present on behalf of the residents of the Fairways. She said they are seniors and many do not drive at night and that is why there were empty seats tonight. She said there were a few of them here that are very concerned. Ms. Schwinger said that she doesn't have a degree but she reads a lot and has always considered herself an environmentalist. Ms. Schwinger said she read where the EPA long ago established that there should be no peaker power plants or substations in residential neighborhoods and that she was present tonight to emphasize that. She said that was why the people in their community were upset. Ms. Swinger said that it doesn't belong where it is planned. Ms. Schwinger said Mr. and Mrs. Lafferty both said a lot of what she was going to say. She said she appreciated being able to reiterate her feelings.

Joseph Luppino said that he commended the Township Committee because they were on the right track and taking the right course. He said that if Columbus was here some of the people would tell him to stop, not to go that way, to wait, etc., and America would never have been found. Mr. Luppino said the Committee was on the right track and steering in the right direction. He said you obviously cannot house an elephant in a residential community in a home because it doesn't belong there. Mr. Luppino said you can't bring a generating plant of this magnitude into a residential area. He said that was why he was commending the governing body because they took the foresight to realize that there is much divisiveness going on the community that is needlessly being done. Mr. Luppino said the plant doesn't belong in a residential area. He said to keep an eye on the revenue that it may generate and put it in a different area of the community. Mr. Luppino said this is absolutely the right way to go. He commented on people asking for the truth and said mankind has been looking for the truth since the beginning of mankind and is still looking.

Robert Sandman said he represented the man opposing the plant and that he has been involved in it since the beginning. He said that gives him an edge up because he thinks he knows what he is talking about. Mr. Sandman said he thinks he studied the proposal, that he understands the proposal, and that he understands what went right and what went wrong. He said that he believes Mr. Lalor is a gentleman and a businessman. Mr. Sandman said that he has no animosity against Mr. Tunney, anyone in the room or any member of the Planning Board and what he was about to say was not personal. He said he was present as an advocate of a client and as a man who raised his kids in this town. Mr. Sandman said he has standing in his own right to say what he was going to say. He said he thought the best way to handle it was to start out by talking about some of the speakers that came before him and to comment briefly on what he disagrees with. Hr. Sandman said Mr. Lalor spoke about misinformation about the project and about the fear that won't let the truth be revealed or lies exposed. Mr. Sandman said the reality of what the Planning Board decided should be talked about. He said that according to the Planning Board subcommittee the Ordinance the Township has now is terribly ambiguous and in spite of that, the Planning Board determined that this is a substation. He said that Mr. Lafferty was right, this is not a substation. Mr. Sandman said the Planning Board decided that it complied with the Ordinance but the Ordinance requires that it blend harmoniously with the surrounding community. He said there is a 25-foot sound wall around "this monster" and it is next to bike paths, Victoria Crossing and other residential areas. Mr. Sandman said he questioned how anyone could look at it and say it blends harmoniously with the community but that was what the Planning Board did. He said that to make matters worse the Planning Board said it was a facility that will be necessary to service the surrounding area because that is what the Ordinance says it has to do. Mr. Sandman said that the witnesses for the applicant themselves said that when this energy, this electricity, is produced it goes out on the PMJ grid and they sell it in Kentucky, New York and Michigan. He said that once it is produced the producer doesn't say where it goes. Mr. Sandman said that no one proved to the Planning Board or anyone else that this electricity was going to Hamilton Township and the applicant can't prove that. Mr. Sandman said that in spite of that the Planning Board said that it blends harmoniously and it is going to provide services to Hamilton Township. He said that is not going to happen. Mr. Sandman said the people weren't supposed to be here tonight to argue the merits of the project but he was compelled to because everyone that spoke for the applicant argued the merits of the case. Mr. Sandman referred to comments made about misinformation and said it is a matter of record that his adversary Mr. Nehmad is a very talented land use attorney. He said that when Mr. Nehmad questioned Mr. Sandman's expert Dr. Jonssen he held up pictures of four power plants and handed Dr. Jonssen two pages of the PERK 1 form that said Connectiv said

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these four areas list their assets as a substation. Mr. Sandman said that happened in the wee hours of the December meeting at the Hess School. He said that after the meeting Mr. Joyce told him that was only the first two pages of the report and that there are 8 other pages. Mr. Sandman said he went to the next meeting and asked the Planning Board Chairman if he didn't feel the wool had been pulled over his eyes because the applicant had only showed the Board the first two pages of the report. Mr. Sandman said that he said the Board should look at what the other 6 pages show. He said those 6 pages show that when Conectiv owned those assets they listed them as generation assets. Mr. Sandman said that in spite of the fact he brought that to the Planning Board's attention, the Chairman decided they didn't need any more information and were happy with the misleading testimony. He said that Mr. RaVell said he thought the Township Committee was substituting their opinion for that of the Planning Board. Mr. Sandman said the Municipal Land Use Law says the Committee has the right to do that and under some circumstances has the responsibility to do it. He said the law recognizes that and provides a mechanism for it. He said there are dozens of Appellate Division cases and of Supreme Court cases where that happened and the courts said people sitting on the governing bodies did exactly what they were supposed to do. Mr. Sandman referred to Mr. RaVell's comment about not having enough electricity in Hamilton Township in the future. He said he has proven that is a myth. Mr. Sandman referred to Mr. Pucci saying most of the Planning Board Members visited other sites where there were plants. He said he recognized that the Subcommittee may have done that but any Planning Board Member including the Chairman who was not a member of the Subcommittee had no right to go outside the record of the Planning Board Proceeding to obtain evidence upon which their decision was made. Mr. Sandman referred to people talking about a ratable and asked the Committee Members and especially those who have sat on the Planning Board since when a ratable was a justifiable zoning criteria. He said that if that was the case the Planning Board would have to approve everything. Mr. Sandman said that isn't the case and that the witnesses for the applicant themselves said that approximately 5% of the construction cost would be subject to local property tax, the rest is equipment. Mr. Sandman referred to Mr. Christman talking about his work on the Environmental Commission and commended Mr. Christman for it. He said that it bothered him that Mr. Lalor and Mr. Tunney showed up at an Environmental Commission meeting when it (their presentation) was not on the agenda, it was not posted and none of the people knew it was happening. Mr. Sandman said that is not fair governing and is not giving everybody a fair opportunity. He said he wasn't doing this to be harsh with those who spoke before him but to tell the Committee the reality of where they are and what has happened. Mr. Sandman said Mr. Christman sits as a member of the Planning Board and asked the Township Committee Members if they felt Mr. Christman spoke in an objective fashion or if they felt he was an advocate for the project. Mr. Sandman said that Mr. Christman and Mr. Link sit in a quasi-judicial capacity and are the judges who are supposed to hear the evidence, take what they consider to be creditable evidence and make a ruling on it. He said they aren't supposed to be out telling the public how they feel about it. Mr. Sandman referred to comments on a power shortage and asked if anyone here had seen a power shortage. He said he has lived here almost 15 years and hasn't seen one. Mr. Sandman referred to Mr. Christman's comments about a monopoly and said that is not an appropriate zoning criteria. Mr. Sandman said Mr. Gursky tried to bring in fear of a utility authority taking our homes, garages, roads and buildings. He said that isn't going to happen and it can't happen. Mr. Sandman referred to Mr. Gursky saying Mr. Sandman was going to make money and said it wasn't about whether he, Mr. Tunney or Mr. Lalor make money, it is about zoning and planning principles and about doing what is right for the community not based on the merits of an application but based on the Municipal Land Use Act, the Township Ordinance and Master Plan. He said that Mr. Tunney argued the merits of the application but he forgets that the Planning Board took the testimony of Mr. Szabo, a gentleman from Pump Pass, Virginia, that was the only evidence the Planning Board had to rely on. He said that Mr. Szabo said that when you take a power generation plant and put a distribution substation next to it, that makes the plant and the substation a substation. He said that was Mr. Szabo's opinion. Mr. Sandman said he asked Mr. Szabo if he recognized that under the Township Ordinance he was calling this a substation and that a substation could go anywhere in the Township. He said that Mr. Szabo said "right" to both questions. Mr. Sandman said he asked Mr. Szabo if that meant it could go in a Forestry Zone or in the most environmentally sensitive zone. He said Mr. Szabo said yes. Mr. Sandman said that when he asked Mr. Szabo if he had ever seen a generation plant that didn't have a distribution subsystem Mr. Szabo said he had seen one once at the DuPont Factory where they used their own generation. Mr. Sandman said that when he asked if Mr. Szabo had ever seen one anywhere else Mr. Szabo said he hadn't. He said that when he asked Mr. Szabo if he would agree we have gas burning plants, coal burning plants and nuclear plants and they all have electrical distribution substations, Mr. Szabo said they did. Mr. Sandman said that he then asked Mr. Szabo if that meant a nuclear power plant could be built next to the Hess School, Mr. Szabo scratched his head and didn't know what to say. He said the Planning Board accepted Mr. Szabo's testimony over the terms

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and definitions of Dr. Jonssen who said the industry describes a substation as not including generation plants. Mr. Sandman said the Department of Energy describes a substation not to include power plants. Mr. Sandman said Dr. Jonssen was an electrical engineer, a professional planner and a PE. He said he and Mr. Joyce were the only PE's to testify and both said that it was contrary to the intent and language of the ordinance and good zoning. Mr. Sandman said that the applicant only put up one electrical expert and the Planning Board bought that testimony. Mr. Sandman said that his client said on the record that he wasn't going to let it be built on his property and that he was building a shopping center. He said that his client went to the Egg Harbor Township governing body and begged them to pass the resolution to oppose and not to allow it in Egg Harbor Township. Mr. Sandman referred to comments about it going in a neighboring township and said that is not a zoning criteria. He said that he told the Committee what Mr. Szabo, Mr. Jonssen and Mr. Joyce said. Mr. Sandman said he thought that if the Township Committee asked all the people who were at the Planning Board meetings if they thought Mr. Sandman was treated fairly by the Chairman and the Planning Board they would get a different answer than what was just said here tonight. He said he brought this to the Committee's attention because this is what required them as the governing body to pass an ordinance saying don't put this in any neighborhood. Mr. Sandman asked the Township Committee members if they wouldn't be a little upset with him if they were the finders of fact and Mr. Sandman was making a presentation to them and they heard that he had only put in 2 pages of a document in it. He asked if they would want to hear the other side. Mr. Sandman questioned what good public comment would be when it comes to the site plan application when the most critical issue has already been decided. He said it defies instilling confidence in the people who attended all the meetings to be heard. Mr. Sandman said that through its flow-through ordinance the Township professionals had charged over \$20,000.00 and not one of them said that maybe it isn't a permitted use and maybe Pinelands in its March 11<sup>th</sup> letter was right that this is not a permitted use. He said the Committee should ask the people what confidence they have in what went on before the Planning board and how they fairly they feel Mr. Sandman's client and Mr. Tyner's client were dealt with. Mr. Sandman asked how one would explain to their client that the Chairman and 4 members of the Planning Board went to a governing body hearing and advocate that which the client hired him to oppose. Mr. Sandman said he never saw a judge take his robes off, go out and say that he already decided the case. Mr. Sandman said he was denied the right to ask questions of Mr. Joyce, the Planning expert put forth by Mr. Tyner, because Steve Nehmad told the Planning Board it was wrong to do that. He said that Mr. Nehmad is at the Planning Board a lot so the Board believed him. Mr. Sandman said that in spite of that the Planning Board decided 6 to 1 that this was a substation. He asked the Committee if they thought a substation was this back before they heard all of this. Mr. Sandman commented on all of the Township Committee knowing him and said they may not like him, his politics, or anything about him but they all know him well enough to know that he isn't going to stand before them and lie to them. Mr. Sandman said he didn't want to stand (before the Committee) and do this but there is a compelling need right now for the Township Committee to do what they are doing. He said they (the Board and applicant) say to wait now that they have time, then in another breath say that it will take Pinelands 9 months and in a third breath they say that it isn't withdrawn it is just adjourned and can go back on anytime. Mr. Sandman said that he provided the Township Committee with an ordinance that he drafted and that he thought was what the Committee wanted to accomplish. He said that it says that in Hamilton Township New Jersey from this day forward electrical generating plants are not substations and therefore cannot be put in a residential zone. Mr. Sandman referred to comments on putting it in the Industrial Park and said that is where it should go because it makes the most sense and that is where industry is but in the Township Ordinance it is not allowed in the Industrial Business Park. He said that the ordinance the Planning Board supplied doesn't work, is confusing and is artfully crafted so that this application can leave the Planning Board and go to the Zoning Board where he said all along it should be and it lays the credit for a use variance. Mr. Sandman urged the Township Committee to look at the simplicity of the ordinance he read. He said he thought it did what the Committee wanted to do. He said the other ordinance doesn't do that and impacts a whole lot of other things that deserve time. Mr. Sandman said both could and should be done tonight.

Mr. Pritchard said he wasn't sure everyone got a copy of Mr. Sandman's proposed ordinance. He commented on not wanting to vote on something at the last meeting because he hadn't seen it and said that he had the same concern on this. Mr. Pritchard said that having sat on the Planning Board for many years, it is difficult to review something and make a decision instantaneously. He said he wanted to know that everyone saw it.

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Mr. Sandman said he didn't have copies with him but it is so basic and straightforward that the Committee could review it in a 10 or 15 minute break tonight because there is nothing controversial in it. Mr. Pritchard asked if Mr. Zlotnick had seen it. Mr. Zlotnick said he has seen it. Mr. Pritchard asked Mr. Zlotnick for his opinion before the Committee acted on anything. Mr. Perugini said he thought the ordinance the Committee had in front of them contained everything that was in the Ordinance that was provided to him this morning that Mr. Sandman developed. Mayor Sacchinelli said some of it is in the resolution and some of it is in the ordinance.

Mr. Zlotnick said that all of the comment heard tonight precedes introduction on first reading. He said if the ordinance is past on first reading it will have to come up for a second reading and public hearing at some point in the future so the Committee has time to consider anything that they want to consider irrespective of what they do with the ordinance that was put together by the Township experts as a result of what the Planning Board did. Mr. Pritchard said the concern then is that if there is a substantive change between introduction and adoption it delays the proceedings even more. Mr. Zlotnick agreed but said that is the process. He said that Mr. Pritchard's point was well taken that is how you can deal with something you haven't seen. He said the Committee wasn't precluded from looking at what Mr. Sandman did, considering it and having it critiqued by the Township's experts. He said that the Township experts should look at it, critique it and come back to the Committee on it. He said the Committee can then see if it says anything more than what is in the ordinance proposed tonight. Mr. Zlotnick said the Committee should not lose sight of where they are procedurally at this point. Mr. Perugini said that the information from Mr. Sandman was at the 11<sup>th</sup> hour and it was impossible to incorporate it into the work put together to provide the Committee with the ordinance before them tonight. Mr. Zlotnick said that he believed that if there was a legal challenge it would have some merit if the Committee scrapped what the Township did, took up Mr. Sandman's ordinance and ultimately adopted it. The Mayor said what was in Mr. Sandman's ordinance is in the Township Ordinance and the resolution that the Committee has to adopt saying exactly why the Committee is going to make changes to what the Planning Board recommended. Mr. Zlotnick said that resolution will not come up until the second reading and public hearing.

Mr. Mattle asked if the Committee could substitute something if they wanted to as long as it is not a substantive change. Mr. Zlotnick said he would have to determine whether or not it was a material change. He said that the process is that if something comes up that has merit, the Committee has to deliberate it.

Mr. Sandman said that what he wrote is so straightforward that the Committee could consider it. He said it is not inconsistent in large measure with what the Planning Board gave the Committee and it accomplishes now that peaker power plants that burn gas can't be placed in a residential zone. He said the Committee could then take the time to undertake a more critical analysis and larger focus on what the Planning Board gave them because that deals with CATV, gas, etc. Mr. Sandman said that he thought that what he wrote does exactly what he thinks the Committee wants, that it tells the world that you can't build a peaker plant in a residential zone. The Mayor said that what the Planning Board did and what the Committee talked about at the last meeting provides all of that and provides what they are looking for the peaker plant and the other things Mr. Sandman mentioned. He said the other things that are in the ordinance the Planning Board produced are viable and he wants to be sure they remain in the ordinance. Mr. Sandman said that, with all due respect, that ordinance is flawed in many respects. He said that the interpretation of it is as wide as you want it to be and it is going to be litigated regardless of what the Committee does. Mr. Sandman said the Committee also should be aware that because they are changing the use of every single zone under 62:1 of the Municipal Land Use Act they have to notify every property owner within 200' by certified mail. Mr. Zlotnick disagreed with Mr. Sandman and said the only time you have to do that is if you are changing the boundaries of a district or you are changing the zoning classification of a whole district. Mr. Zlotnick said this only deals with a particular use. He said he was asked that question and reviewed the cases on it. Mr. Sandman said that there is a lot of interpretation and ambiguity in the ordinance. He said there are a lot of problems with the word generate falling within the definition of a substation. Mayor Sacchinelli said that if Mr. Sandman looked at what came out of the last meeting and was finalized, along with the resolution the Committee has to have explaining the Committee's reasons for it, he thinks everything the Committee is looking for concerning a generation station peaker plant is in there. He said it was carefully written out by the Township Solicitor with the help of the Administrator, Planning Board Administrator and Planner. Mr. Sandman said that on page 2 of the ordinance it describes public utility facilities, public utility structures and substations and every one of the definitions contain the word Generation and that is a big problem when you turn to the next page where public utility substations are described. Mr. Sandman said it

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doesn't describe anything. He said if you use the word substation on C.1 it includes the word generation and Section 2 under there says "shall be permitted only in non-residential zoning districts located in non-regional growth areas." Mr. Sandman questioned what that meant for other zoning areas such as downtown Mays Landing, Laureldale or Cologne that are not designated as regional growth areas. He said there is language in the ordinance that doesn't work. He said he was prompted to write what he did as he started to go through it line by line. Mr. Sandman said he doesn't think that what he wrote is in any way ambiguous or that it does anything other than say that you can't build these things in a residential zone. He said he did it to give the Committee an opportunity to say to the public that they can do this now and go back to the Planning Board's bigger issue and work out the problems. Mr. Sandman said that there are problems in that ordinance.

Mr. Pritchard asked Mr. Sandman if he thought the Township's revised ordinance should be introduced tonight. Mr. Sandman said he thinks it is ambiguous and will be litigated. He said he thought it was to provide an avenue for this applicant to go get a use variance from the Zoning Board of Adjustment. Mr. Zlotnick said anyone can get a use variance so that isn't an issue. Mr. Sandman said that the ordinance he drafted recites the fact that it is contrary to the design and intent of the Zoning Ordinance and the Master Plan to allow these kinds of plants in residential neighborhoods. Mr. Perugini said he thought Mr. Sandman was missing the fact there were two documents being addressed, the ordinance and the resolution explaining the reasons for the ordinance. Mr. Perugini said he didn't think it would be in the best interest of the Committee to take a document from an advocate from one of the petitioners.

Eileen Kaplan said listening tonight was very informative. She said she was a new homeowner and resident in Victoria Crossing. She said she purchased her home to secure a peaceful, quiet, relaxing retirement home not knowing that there was a serious intention to build a power plant with 25' high walls, cooling towers and constant noise. Mrs. Kaplan said when she purchased her new home her intention was to see blue skies and green trees. She said purchasing the home has been and continues to be a costly challenge to her. Mrs. Kaplan said that she is adamantly against it the power plant and will do whatever is necessary to oppose and fight the proposal for this power plant to be in her backyard. Mrs. Kaplan commended the Township Committee for their desire to bring this ordinance about. She said many of the residents she heard tonight also expressed her wishes. She said building a power plant, if needed, is okay but not in a residential area. Mrs. Kaplan said they should find a location that is right and if the specifications required aren't there, work to build the ones that are missing. She said it should not be in a highly populated growing residential area.

Fred Akers said he is the Administrator of the Great Egg Harbor Watershed Association and works with a number of municipalities in the watershed. He said Hamilton Township is one of twelve on the River Council. Mr. Akers said he also works with Planning Boards and Environmental Commissions. He said he was present to support the Planning Board and Environmental Commission. Mr. Akers said he does a lot of reading and research on a wide range of issues. He said he was disturbed by some things he has read about this issue because the Township had dedicated volunteers who have served on boards for years and he urged the Committee to support and back them, not chase them away on contentious issues. Mr. Akers said the environmental arguments he heard disturbed him because they do not make sense particularly getting cancer. He said that in his opinion people aren't going to get cancer from this and there are other far greater threats in the Township like soot. He said that the state is so concerned about soot from diesel engines that they are asking buses to turn off their engines. He said that the pollutant loads coming from Beesleys Point is serious. Mr. Akers said that he didn't think that this particular use is like that. He advised the Committee as a member of the professional environmental community to research the environmental claims on their to make sure that they match the uses.

Matt Wristbridge apologized if he created dissention. He said his name was brought up quite frequently. Mr. Wristbridge said he believed it was important to have serious debate about putting a power plant in a residential neighborhood and if he was going to be criticized for his opinion he would accept that criticism. Mr. Wristbridge said a few people talked about the lack of public comment at the Planning Board's decision making process. He said that that particularly disturbed him because, as a representative of the manufacturer of the equipment that will generate the pollution, he felt he should be heard. He said the public was told meeting after meeting that they would be heard but not that night. Mr. Wristbridge said he put into writing what he thought was an important issue to be considered which was how much peaking power does Conectiv and this area need. He said he gave that information to the Planning Board Members and no one took the time to look at

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it because it was from a dissenter. Mr. Wristbridge said they held what he had given them up and said "we have to stop submitting this misinformation and half truths". He said he wasn't saying he was an expert on how much peaking power Conectiv needs but he found a way to determine number was and put it into writing because he wasn't allowed to speak and the people on the Planning Board didn't even take the time to read it and then said it was misinformation. Mr. Wristbridge said he would like someone on their own to come up with an approach to determine what those numbers are. He said he wanted to focus now on what he said about the power plant and get away from it being called misinformation. Mr. Wristbridge said that he never said there was anything wrong with the sound or aesthetics of the plant or that it will cause cancer. He said that what he said was that it will oxidize and nitrogen that will convert to ozone and the applicant's own environmental impact statement clearly states that the ozone level that is currently in the air before the power plant ever gets started is at or above what the EPA considers a health base limit. Mr. Wristbridge said that fact, coupled with Conectiv's financial statements and calculate an average peaking requirement for the entire Conectiv grid, one of the three gas turbines would that requirement. He said he believes there is a concentration of power in a residential neighborhood that cannot possibly be consumed by those residential property owners and will be sold on a regional basis while all of the ozone generated, which is linear, will fall on the residents within a mile of the plant. Mr. Wristbridge said there is a difference of opinion between him and Mr. Lalor on that issue. He said Mr. Lalor gave him a chart that said the plant will produce 15/1millionths of 1 part per million annually. Mr. Wristbridge said that is an infinitesimal amount and he believes the manufacturer of this plant says they are going to exhaust millions of standard cubic feet of exhaust gases each with 9.9 parts per million which will convert to ozone and lay on the ground adding to what has already been brought into the area by cars. He said the only way the applicant can say that they aren't going to cause that problem for the residents is by taking credit for Conectiv gas turbines that they do not own. Mr. Wristbridge said it is not protective of the public health for the applicant to take a pollution credit for an asset that they don't own because the owner may decide they want to keep running that asset and now you have pollution coming from both sources. He said Beesleys Point keeps being brought into this and it has nothing to do with it. He said Beesleys Point is a base loaded plant that is going to be shut down in 2007 or whenever the political will mounts to a point where it is forced to shut down and when it does, other coal-fired power plants in Pennsylvania will take it up that base load of power. Mr. Wristbridge said he understands the importance of eliminating mercury from our air but when those plants go on line in Pennsylvania some of those emissions will carry on prevailing winds into New Jersey. He said that is the base load picture and then you have the peaking power plant. Mr. Wristbridge said everybody says they don't know what Conectiv is going to do but he believes he knows their corporate strategy. He commented on speaking to many people involved with or work for Conectiv and they all say their plan is to be a wheeler or transmit only power supply and that is why they built the 230KV lines. Mr. Wristbridge said that when you replace a 69KV line with a 230KV line the increase in voltage more than triples the amount of power running down delivered to the Cardiff substation with the same amount of current. He said that is a formula that can't be changed. Mr. Wristbridge said the requirements for peak demands were met last summer and a 1% to 2% growth is expected for the foreseeable future. He questioned how you can argue there will be power failures with 330% capacity with the voltage upgrade. Mr. Wristbridge said that the only way there would be power failures would be if there were power failures in Pennsylvania. He said the applicant is saying that what he is proposing will solve the local problems with electrical systems. Mr. Wristbridge said if they are local problems that only happen your house or business and the two next store that is a distribution problem and whether or not the power plant is built you will still have the distribution problem so you call Conectiv and have them come put in a bigger transformer. Mr. Wristbridge said that he thought that if the Committee stops the Commonwealth application with the ordinance, Conectiv will transmit all the power we need, Beesleys Point will shut down in 2007 and coal-fired plants in Pennsylvania will pick up the base load. He said if the Committee doesn't stop the Commonwealth application with the ordinance he believes the Planning Board will certainly approve it because they strongly favor the power plant being in a residential neighborhood and 10 years after the power plant goes into operation a Class Action Attorney, representing the people who raised children during those years who have diminished lung capacity from the heavy concentration of ozone, will be going through all of these public records. He said that is his opinion and he could be wrong but from all of his experience working for General Electric, going to site plan applications like this many times in the past, this has always been the problem. Mr. Wristbridge said there is only one compound you have to worry about. He said it won't cause cancer but it will just cause some amount of lung damage. He said he didn't know how much damage it would cause.

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Mayor Sacchinelli thanked all those who made comments for their input and thanked the members of the Planning Board for their diligence on the ordinance. He called for a motion to take a 10-minute recess.

Mr. Giordano moved, seconded by Mr. Palmentieri, that a recess be declared.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

RECESS 9:22PM TO 9:38PM

C.E.R. Advisory Board recommendation re: Liepe Tract Plan Revision:

Mayor Sacchinelli distributed maps of the site and said the recommendation is to move the football fields from Underhill Park to the Liepe Tract.

James Hagel, C.E.R. Advisory Board Chairman explained that the original plan called for two softball fields and other fields. He said that after seeing how much it cost for the two softball fields now being done and doing some research, the Board felt it would be cheaper to put the football practice and game fields at Liepe and then have Underhill become a softball and baseball complex. Mr. Hagel said that will allow them to play baseball year-round and get the football (traffic) congestion away from Old Egg Harbor Road. He said that the recommended plan could happen a whole lot sooner financially and benefit the children sooner. Mr. Hagel said it will cost one-quarter of what it would cost for ball fields. The Mayor said it would also allow future baseball and softball fields at Liepe. Mr. Hagel said it would. Mayor Sacchinelli said one of his concerns was that if something like this isn't done there will not be enough time for grass regeneration. Mr. Hagel said the Public Works Department does a good job but more time is needed for grass regeneration.

Mr. Mattle said this is the way to go primarily for public safety reasons. He said that there will be passive recreation at the Liepe Tract as it grows and he believes will be used more with football fields there. Mr. Mattle said the only concern the Board had was the engineering costs to change the plans. Mr. Smith said there would be no cost because there was no survey work done yet. Mr. Mattle said he was for the Plan and that recommended the Committee move forward with it.

Mr. Hagel asked the Committee to approve the Plan and then help the Board find a way to fund it. He said the sooner that happens the better because there are real safety issues at Underhill Park.

Mr. Mattle moved, seconded by Mr. Giordano, that the following resolution be adopted.

BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby endorse the Liepe Tract Plan revisions recommended by the C.E.R. Advisory Board.

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

2005 CDBG Grant application

Mr. Perugini recommended deferring the matter until the March 21, 2005 meeting because he and Mr. Sartorio are trying to get additional funding from the County for this grant application to do Ochung Boulevard.

Mr. Giordano moved, seconded by Mr. Mattle, that discussion of the 2005 CDBG Grant application be deferred until the March 21, 2005 meeting.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

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Introduction of Ordinance #1519-2005

Mr. Perugini explained that the first amendment packet that he sent to the Committee Members early this week was based on the Ordinance recommendation from the Planning Board. He said that it had some changes that he, Mr. Sartorio and Mr. Mott's office worked on to include the language the Committee wanted. Mr. Perugini said that the packet he put before them tonight is the same ordinance with a few changes that included some of the recommendations Mr. Sandman gave the Committee. He said there was also a resolution in the packet explaining why the Township Committee did not go along with the full recommendation of the Planning Board that has to be passed when the Ordinance is finally adopted. Mr. Mattle and Mr. Pritchard said they didn't get the resolution. Mr. Perugini said that he would put copies in their boxes and e-mail it to them. He said that the Ordinance incorporates what the Committee asked him to put in it. Mr. Perugini said it prohibits generating stations, including peak load generating stations, in any residential zone and calls for them to be in non-residential zones within the regional growth area. Mr. Zlotnick said that if the Committee Members have any concerns or they find any potential changes that they want made between now and the second reading he has to have them as soon as possible so that he can determine whether or not they are substantive changes.

Mr. Pritchard referred to the wording "possibly in DC and RC zones" in Section C(2) on page 3 and asked if that meant that maybe peak load stations could be permitted maybe they wouldn't be or it actually allowed the opportunity for it. Mr. Palmentieri said he thought the wording "generating stations including peak load" under permitted uses in that section allows something the Township Committee absolutely does not want and that it literally would permit full-fledged power plants, which he didn't think anybody wants anywhere in the Township. Mr. Palmentieri said he thought everyone agreed that peak load, peaker plants have a potential place, properly controlled and regulated but he didn't think the Committee wanted to permit full-fledged power plants like Beesley's Point. He suggested the wording be changed so that generating stations only mean peak load and not imply that full fledged power plants would be permitted also.

Mr. Perugini said he and Mr. Sartorio discussed that this morning and the Township Ordinance apparently is silent on generating stations. He said it doesn't say you can or cannot have them. Mr. Perugini said the Committee might want to address the issue of whether or not they want the possibility of a generating station.

Mayor Sacchinelli said he didn't think the Committee wanted the possibility of a Beesleys Point in the Township. Mr. Mattle said it is obvious the Committee doesn't want that.

Mr. Perugini said that the definition on page 1 has to be changed then because it reads "a public utility facility on which are located prime movers, electrical generators, electric substations, and auxiliary equipment for converting mechanical, chemical and/or nuclear energy into electric energy. The generating facility shall also include peak load generating stations".

Mr. Palmentieri said he thought that proper wording had to be found so that generating facilities only include peak load plants and exclude full-fledged power plants. He referred to the note from Mr. Sartorio to the Committee and Mr. Perugini regarding allowing this development in the IBP, DC and RC zones. Mr. Palmentieri said comments were made about the IBP zone and asked Mr. Zlotnick if something had to be done with the ordinances pertaining to those zones to permit this type of use in them or if this ordinance would supersede any contradiction in other ordinances. Mr. Palmentieri said that one or two people, Mr. Sandman in particular, said that it is not permitted in the IBP Zone. Mr. Perugini explained that the IBP, RC and DC zones would be the non-residentially zoned districts in the regional growth area by default because #2 says that generating stations, including peak load generating stations shall be permitted only in non-residentially zoned districts located in the regional growth area. He said he didn't see where there would be any conflict. Mr. Palmentieri said there may be ordinances elsewhere that establish permitted uses in those zones that might not include a peaker plant and asked how the conflict would be resolved. Mr. Giordano said the question was whether this ordinance would override the Industrial Park ordinance or any other ordinance that said it doesn't accept power plants.

Mr. Sartorio said that it was an advisory note only and if, in fact, they are not permitted in the IBP Zone by the standards that are there, those standards will carry. He said that potentially it could be there but if the language of the IBP zone says that you can't have a power plant there, you can't have it there.

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Mr. Palmentieri said that those three ordinances have to be reviewed then. Mr. Perugini said that wasn't part of this Ordinance. Mr. Palmentieri asked if the Committee wanted to permit it there and, if subsequent changes would have to be made to those ordinances. Mr. Perugini said that supercedes what the Committee asked him to do because he was only asked to exclude it from residential zones. The Mayor said the Committee asked for it to be excluded from residential zones and it is already not allowed in the IBP zone. He asked if it was permitted in the DC and RC zones. Mr. Perugini it may be allowed in those zones if they don't preclude it. Mr. Perugini said they are non-residential zones within the regional growth area.

Mr. Giordano asked if the Committee should establish an ordinance to override those other ordinances now. Mr. Perugini explained that the ordinance being considered tonight says generating stations are only permitted in non-residentially zoned districts in the regional growth area. He said the note is not part of the ordinance being considered tonight. Mr. Perugini said that if some other area says they are not permitted, that is okay too.

Mr. Mattle questioned whether 1000' from a residential area was enough. He said 1000' is only about 3 football field lengths. Mr. Perugini said a quarter mile is about 1300'. Mr. Mattle suggested it be 3000'. The Mayor, Mr. Giordano and Mr. Pritchard indicated they had no problem with that. Mr. Pritchard asked for information on exactly what that will mean to be given to the Committee before the Ordinance comes up for final adoption. He said that when a residential area surrounds the Business Park, 3000' may preclude it going in the Industrial Park. Mr. Mattle asked if that was substantive change. Mr. Zlotnick said the changes were being made tonight (before introduction).

Mr. Perugini clarified that the changes the Committee wanted were not allowing full-blown power stations in the Township and increasing the distance from a residential zone to 3000'. He said this is an important document and if it has to be advertised again and another public hearing held that will done. Mr. Mattle said that he thought people have to be comfortable knowing it isn't going to be right there.

Mayor Sacchinelli asked if there were any other proposals. No other proposals offered. The Mayor said that the Committee has to be sure the comments in the resolution intertwines with what their intent was in the ordinance.

Mr. Giordano asked if the setbacks on page 4 would be contrary to what was just said. Mr. Perugini and Mr. Sartorio said it wouldn't.

Mr. Pritchard moved, seconded by Mr. Mattle, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1519-2005 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the March 9, 2005 issue of the Atlantic County Record for a public hearing to be held on March 21, 2005 in the municipal building, Mays Landing, New Jersey.

ORDINANCE #1519-2005

AN ORDINANCE AMENDING ORDINANCE NO. 203, KNOWN AS THE HAMILTON TOWNSHIP DEVELOPMENTAL ORDINANCE, AS AMENDED, BY SPECIFICALLY AMENDING SECTION 203-184, PUBLIC UTILITY SUBSTATION.

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

Otto Johnson request for vacation of In Rem Foreclosure

Mr. Perugini explained Mr. Johnson paid the first half of the 2003 taxes on his properties but the bills for the last half of the year were returned marked returned to sender because of an address change. Mr. Perugini said all of the delinquent notices and all of the foreclosure notices sent by the attorney also came back marked the same way. He said that Mr. Johnson must have found about it after the sale because he called the Tax Office asking about paying his taxes. Mr. Perugini explained that the Statute is clear on the municipality's right to foreclose when there is a delinquency. He recommended that the foreclosure not be vacated because it would put the Committee in the position of deciding who has to follow the laws on tax payments and who doesn't. Mr. Perugini said that Mr. Johnson has recourse through the courts if he wants to follow through with it.

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Mr. Pritchard moved, seconded by Mr. Giordano, that the following resolution be adopted.

WHEREAS the Tax Collector mailed the bills for the second half of 2003/first half of 2004 taxes on property identified in the Township of Hamilton Tax Records as Block 164/Lot 3, Block 248/Lot 10, Block 248/Lot 18 and Block 248/22 to Otto Johnson, the owner of record, at the address of record; and

WHEREAS all of the bills were all returned by the Postal Service marked "undeliverable" and "unable to be forwarded"; and

WHEREAS the tax delinquency notices and Tax Lien notices mailed by the Tax Collector to Otto Johnson and the 2004 In Rem Foreclosure notices mailed to Otto Johnson by the Township Solicitor were all returned by the Postal Service marked "undeliverable" and "unable to be forwarded"; and

WHEREAS it is the responsibility of the property owner to notify the Tax Collector of any change of address and Otto Johnson failed to do so; and

WHEREAS the Township Committee has considered the request of Otto Johnson for the In Rem Foreclosure on the aforesaid properties to be vacated and documentation submitted by the Tax Collector and Township Attorney,

NOW, THEREFORE, BE IT RESOLVED that the request of Otto Johnson for vacation of the In Rem Foreclosure on Block 164/Lot 3, Block 248/Lot 10, Block 248/Lot 18 and Block 248/Lot 22 is hereby denied.

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

Public Hearing/Adoption - Ordinance #1516-2005

There being no questions or comments on the Ordinance, Mr. Pritchard moved, seconded by Mr. Palmentieri, that public hearing be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Mr. Pritchard moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

WHEREAS Ordinance #1516-2005 was introduced and passed first reading on February 22, 2005 and was duly advertised in the February 25, 2005 issue of the Atlantic City Press for a public hearing to be held on March 7, 2005 in the municipal building, Mays Landing, New Jersey; and

WHEREAS the public hearing has been held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1516-2005 is hereby adopted.

ORDINANCE #1516-2005

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 533, LOTS 12 & 13, ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

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

Introduction of Ordinance #1517-2005

Mr. Giordano moved the ordinance be adopted.

Mr. Mattle said he wanted more in put on the impact of the tax on existing businesses. Mr. Pritchard said that the people who were here to talk about the proposed ordinance but left apparently because of the lateness of the hour.

Mr. Giordano withdrew his motion to introduce Ordinance #1517-2005.

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Mr. Giordano moved, seconded by Mr. Mattle that introduction of Ordinance #1517-2005 creating a 3% Hotel/Motel Tax be tabled until the March 21, 2005 meeting.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Introduction of Ordinance #1518-2005

Mr. Perugini recommended that Section (4) be deleted before introducing the Ordinance. He said that all of the major subdivisions have their approvals and the Township cannot go back and charge them the increased fee. He said so nothing will happen in the next 8 to 12 months because there are no major subdivisions forthcoming at the Planning Board. Mr. Perugini commented Egg Harbor Township being sued because they adopted an ordinance increasing their fees to \$5,000.00 per lot and expressed his opinion the Township Committee should hold off on that part of the ordinance until the outcome of that lawsuit is known. Mr. Pritchard said Galloway Township just passed an ordinance doing the same thing and they knew about the lawsuit. Mr. Perugini said they might have things in the pipeline that this Township doesn't have. He reiterated that there is nothing in the pipeline here where anything could be escrowed.

Mr. Giordano requested that the Planning Board keep the Committee informed.

Mr. Palmentieri asked if anyone had anyone had any idea of then the Egg Harbor Township case would be heard. No one had any idea.

The members accepted Mr. Perugini's recommendation to delete Section (4) prior to introducing the ordinance.

Mr. Giordano moved, seconded by Mr. Mattle, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1518-2005 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the March 9, 2005 issue of the Atlantic County Record for a public hearing to be held on March 21, 2005 in the municipal building, Mays Landing, New Jersey.

ORDINANCE #1518-2005

AN ORDINANCE AMENDING ORDINANCE NO. 203, KNOWN AS THE HAMILTON TOWNSHIP DEVELOPMENTAL ORDINANCE, AS AMENDED, BY SPECIFICALLY AMENDING SECTION 203-158, OPEN SPACE AND RECREATION

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, 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) The HUB - a retail clothing store at Mays Landing Plaza on Route 40
- (2) A+ Commercial Office Cleaners - a home office on Tanglewood Drive

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by that the Township Committee of the Township of Hamilton does hereby support the request for temporary closure of the portion of CR 559 from its intersection with Route 40/50 (Main Street to Mizpah Road from 7:45AM to 11AM on Saturday, July 2, 2005 for the Hamilton Township Hometown Celebration 5K run, 5K skate and 10K skate events.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Hamilton does hereby support the request for temporary closure of the portion of CR 559 from its intersection with Route 40/50 (Main Street) to its intersection with Lenape Avenue from 11AM to 4PM on Saturday, July 2, 2005 (Rain Date Sunday, July 3, 2005) for the Hamilton Township Hometown Celebration Mays Landing Merchants' Sidewalk Sale & Fair events.

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

March 7, 2005

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that renewal of the Arawak Paving Company license for commercial excavation (Sand/Gravel Pit License) is hereby approved for the license years 2003-2004, 2004-2005 and 2005-2006 as recommended by the Township Engineer.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Agreement with Lexington Insurance Company for defense of the Township of Hamilton in the matter of the Statewide Commercial Cleaning LLC claim is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign aforesaid Agreement with the Lexington Insurance Company.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Construction Office is hereby authorized to waive the \$166.00 Fire Permit fee for Oakcrest High School Crew Team Booster Club ergathon event to be held at the Hamilton Mall on March 13, 2005.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Conectiv Atlantic Electric Co.) is hereby granted permission to install one (1) pole and anchor on Block 1027/Lot 2 in accordance with the drawing set forth on their work order #5520261 dated February 10, 2005.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED that the Township Clerk is authorized to forward to the Division of Alcoholic Beverage Control, without objection, the Restaurant Projects Inc. application for a catering permit for a retirement banquet being held at Lakeview Manor on June 7, 2005 from 5 PM to 12 Midnight with wine, beer and distilled spirits to be dispensed.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by that the Township Committee of the Township of Hamilton has no objections to the County of Atlantic and/or the NJDOT approving and issuing a permit to the Giunta-Marucci V.F.W. Post 220 for coin drops to be held at the Wrangleboro Road/322 intersection on Mary 14 and 15, 2005 from 9AM to 5PM.

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

March 7, 2005

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Robert Bugden transfer of membership from the Laureldale Volunteer Fire Company to the Cologne Volunteer Fire Company, effective January 1, 2005, is hereby approved as recommended by its Chief.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Jennifer Lauer and Tricia N. Farrell are hereby approved for membership in the Laureldale Volunteer Fire Company as recommended by its Chief.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

WHEREAS effective March 1, 2005 the Township of Hamilton no longer has a Qualified Purchasing Agent due to the retirement of Diane M. Gruhle,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid threshold for all purchases by the Township of Hamilton is reduced **from** \$25,000.00 **to** \$17,500.00 effective March 1, 2005.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following list of Laureldale Volunteer Fire Company members eligible for 2004 LOSAP credit, as certified by the Company Chief, is hereby accepted:

James Anderson	138 points	Rick Krick	112 points
John Aschenbach	148 points	James Mack	168 points
Donald Bayconich	164 points	Eric Moran	176 points
Doug Bowen	101 points	Lawrence Murray, Jr.	136 points
Robert Bugdon	145 points	Lawrence Murray, Sr.	112 points
Daniel Cardona	148 points	Robert Nakao	120 points
Thomas Dayton	150 points	Matt Naylor	140 points
Chris Debiase	138 points	Ed. Nylas	132 points
Michael Delfiandra	138 points	James Patterson	100 points
Kyle Francis	157 points	Heather Rubba	118 points
Frank Gabriel, Jr.	189 points	Ryan Sheff	120 points
Frank Gabriel, Sr.	211 points	Nick Subbotin	189 points
Josh Hartman	118 points	Michael Swain	126 points
Ted Jones	194 points	Chris. Tilly	130 points
Matt Kreutzer	149 points		

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED that the Solicitor is hereby authorized to prepare an Ordinance to vacate a portion of 20<sup>th</sup> Street from Ninth Street to Tenth Street as recommended by the Planning Board subject to all costs being paid by Richard Heard, the requesting party.

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

March 7, 2005

Mr. Pritchard moved, seconded by Mr. Mattle, that the following resolution be adopted.

WHEREAS the following sealed bids for Solid Waste Collection Services were received on March 1, 2005:

Bidder	Bid amount	
Waste Management	3-year contract	\$1,352,160.00
	4 <sup>th</sup> -year option	478,032.00
	5 <sup>th</sup> -year option	492,376.00
	Additional Units, 3-year (per month)	5.00
	~~~~~ , 4 <sup>th</sup> year ~~~~~	5.35
	~~~~~ , 5 <sup>th</sup> year ~~~~~	5.50
	30-yd. roll off container, 3-yr. (per pull)	160.00
	~~~~~ . 4 <sup>th</sup> yr. ~~~~~	170.00
	~~~~~ , 5 <sup>th</sup> yr. ~~~~~	180.00
	South Jersey Sanitation	3-year contract
4 <sup>th</sup> -year option		508,104.00
5 <sup>th</sup> -year option		523,344.00
Additional Units, 3-year (per month)		5.50
~~~~~ , 4 <sup>th</sup> year ~~~~~		5.75
~~~~~ , 5 <sup>th</sup> year ~~~~~		6.00
30-yd. roll off container, 3-yr. (per pull)		156.00
~~~~~ , 4 <sup>th</sup> yr. ~~~~~		162.00
~~~~~ , 5 <sup>th</sup> yr. ~~~~~		168.00
Coggins Waste Management		3-year contract
	4 <sup>th</sup> -year option	554,675.00
	5 <sup>th</sup> -year option	585,822.00
	Additional Units, 3-year (per month)	6.50
	~~~~~ , 4 <sup>th</sup> year ~~~~~	6.50
	~~~~~ , 5 <sup>th</sup> year ~~~~~	6.50
	30-yd. roll off container, 3-yr. (per pull)	146.00
	~~~~~ , 4 <sup>th</sup> yr. ~~~~~	159.00
	~~~~~ , 5 <sup>th</sup> yr. ~~~~~	162.00

and

WHEREAS the bids were reviewed by the Director of Public Works, the Deputy Director of Public Works and Township Solicitor and the recommendation is to accept the bid of Waste Management for a three (3) year contract with the two (2) additional one (1) year options and award the contract to them; and

WHEREAS a the Chief Financial Officer's certification of availability of funds for said contract is on file with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid for Solid Waste Collection Services submitted by Waste Management, Vineland, NJ, as set forth above is hereby accepted and the contract for same awarded to them.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute a contract with Waste Management on behalf of the Township.

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED that the Township Clerk is hereby authorized to forward to the Division of Alcoholic Beverage Control, without objection, the V.F.W. Post 220 special permit application for a pig roast to be held at the V.F.W. Post on May 21, 2005 from 11AM to 7 PM, beer only to be dispensed.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to forward to the Division of Alcoholic Beverage Control, without objection, the Cologne Volunteer Fire Company special permit application for their annual chicken BBQ on June 4, 2005 from 11AM to 10PM, beer only to be dispensed.

RESOLUPTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

March 7, 2005

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Bond Safeguard Insurance Company Maintenance Bond #5012404 in the amount of Sixteen Thousand One Hundred Fifty-six Dollars and twelve cents (\$16,156.12) is hereby accepted as a two (2) year maintenance guarantee for Clayton Self Storage Phase I (Block 987/Lot 5.01); and

BE IT FURTHER RESOLVED that Bond Safeguard Insurance Company Maintenance Bond #5009743, in the amount of Seven Thousand Nine Hundred Eighteen Dollars and ninety cents (\$7,918.90) is hereby accepted as a two (2) year maintenance guarantee for Clayton Self Storage Phase III (Block 991/Lot 3.01).

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Gulf Insurance company Maintenance Bond #B2 1862042 in the amount of Nine Thousand Two Hundred Ninety-three Dollars and one cent (\$9,293.01) is hereby accepted as a two (2) year maintenance guarantee for Clayton Self Storage Phase II (Block 991/Lot 3.01).

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Westchester Fire Insurance Company bond #K07156819 in the amount of Sixty-three Thousand Two Hundred Fifty-two Dollars and sixty cents (\$63,252.60) is hereby accepted as a performance guarantee FOR Clayton Self Storage Phase IV (Block 991/Lot 3.01); and

BE IT FURTHER RESOLVED that Westchester Fire Insurance Company bond #K07156820 in the amount of Thirty-five Thousand Forty-four Dollars and twenty cents (\$35,044.20) is hereby accepted as a performance guarantee for Clayton Self Storage Phase V (Block 991/Lot 3.01); and

BE IT FURTHER RESOLVED that Westchester Fire Insurance Company bond #K07156832 in the amount of Sixty-three Thousand Twenty-three Dollars and ten cents (\$63,023.10) is hereby accepted as a performance guarantee for Clayton Self Storage Phase VI

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

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVE by the Township Committee of the Township of Hamilton that Bond Safeguard Insurance Company bond #5015783 in the amount of Seven Hundred Ninety-seven Thousand Eleven dollars and ninety-eight cents (\$797,011.98) as a performance guarantee for Kara Homes Horizons at Woods Landing Phase IIIB.

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

Mr. Giordano moved, seconded by Mr. Mattle, that the following resolution be adopted.

WHEREAS James V. Longo completed his Police Academy training on February 18, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the salary of James V. Longo be increased from the Pre-academy salary level of \$32,929.00 to the Police Officer 1 salary level of \$43,892.00 effective February 18, 2005.

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

March 7, 2005

Mr. Palmentieri moved, seconded by Mr. Pritchard, that the retirement resignation of Diane Gruhle, Purchasing Agent, effective March 1, 2005 is hereby accepted.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Mr. Mattle moved, seconded by Mr. Giordano, that the following resolution be adopted.

BE IT RESOLVED that Mary Teresa Dreager is hereby appointed secretary to the Emergency Services Advisory Board at \$1,750.00 per year effective March 7, 2005.

RESOLUTION ADOPTED WITH MEMBERS GIORDANO, MATTLE, PALMENTIERI AND PRITCHARD VOTING "AYE", NO "NAY", MAYOR SACCHINELLI ABSTAINED.

Mayor Sacchinelli appointed Janice Beyers to fill the unexpired term of Colin Tillet on the CER Advisory Board, said term expiring December 31, 2005.

Mr. Pritchard moved, seconded by Mr. Mattle, that the following resolution be adopted.

WHEREAS the offer of Thomas McGrath in the amount of Two Thousand Six Hundred Sixty (\$2,660.00) for the purchase of Block 37, Lot 21 at a public land sale held at 6PM tonight was the highest bid offered; and

WHEREAS Thomas McGrath submitted proof of ownership of compliance with the special conditions placed on the sale of Block 37, Lot 21,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Thomas McGrath be and is hereby accepted.

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

Mr. Giordano moved, seconded by Mr. Mattle, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the February 22, 2005 regular meeting, the February 22, 2005 executive session and the February 14, 2005 Special Budget work session meeting are hereby approved and adopted as published.

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

Mr. Giordano moved, seconded by Mr. Mattle, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved bills are hereby ordered paid, the bill list total being \$3,253,388.96 as of March 4, 2005.

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

Mr. Pritchard moved, seconded by Mr. Palmentieri, that the following reports be accepted and filed:

Joan I. Anderson, Twp. Clerk	\$1,870.25	February Current Receipts
Joan I. Anderson, Twp. Clerk	\$1,903.00	February Dog & Cat License Receipts

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

#### Reports

Mr. Zlotnick reported the engineers Mays Landing Village Association and the developer have met. Mr. Zlotnick said that the developer's engineer acknowledged there is a drainage problem that needs to be addressed and he is submitting a plan to the Mays Landing Village Association's engineer. Mr. Zlotnick said that he is very hopeful that there will be a meeting of the minds that will lead to correction of the problems. He said he will follow up with the adjuster for the bonding company to keep the pressure on them.

March 7, 2005

Mr. Zlotnick complimented the Planning Board on the excellent work that they did on the substation ordinance and said that everybody should appreciate it. He said the matter came before the Township Committee and they took action and are prepared to move forward. Mr. Zlotnick said that this is the process and the system. He commended everyone for adhering to it and not straying from what the Statute said they had to do, for doing things objectively in the sense that they listened to all of the information but placed the burden of doing the work in the hands of the people they trusted and who should have done put the ordinance together and gotten it to the Committee to give them an opportunity to move forward on it. He said that the system has worked to bringing the ordinance to where it is tonight. Mr. Zlotnick said that he didn't think that any Planning Board Member who spoke tonight in any way was a proposer of the substation. He said they basically talked about what took place at the Planning Board and, in general, what these things may or may not be. Mr. Zlotnick said he didn't think it was any different than the private individuals who said whatever they wanted to say tonight. He said he was encouraged that this will move forward in such a way that will be done as legally appropriate as possible in the event there is a legal challenge by anyone as to what the final ordinance might be. Mr. Zlotnick commented on the amount of work the Township Committee, Mr. Sartorio and Mr. Mott did on it.

Mr. Perugini reported he has e-mailed a draft of the abandoned vehicle ordinance to each Committee Member and put a copy in their boxes. He said asked the Members to review it and let him know of any questions. Mr. Perugini said that he would like to introduce it at the next meeting.

Mr. Mattle thanked the employees who arranged the retirement luncheon held today for Diane Gruhle. He expressed his best wishes for Diane.

Mr. Giordano said he echoed Mr. Mattle's remarks regarding Diane.

Mr. Giordano reported a resident has asked for the timing of the traffic light by Canal's be checked. He asked Mr. Smith to look into it. Lt. Petuskey said that coming from McKee Avenue the wait is sometimes 8-10 minutes and the Department has had to pay a police officer to direct traffic there on weekends. Mr. Smith said it was probably retimed for 322 last year when there were complaints. Mayor Sacchinelli said that traffic coming out of the mall has more preference than traffic coming from the Fairways. He said there may be as much as 3 times the amount of time for coming out of the mall than from McKee Avenue and he thought that it should be the other way around. Mr. Palmentieri said the main problem is that the design of the intersection is inadequate for the volume of traffic and number of movements that have to be accommodated during any cycle. Mr. Smith said that the long-term D.O.T. Plan was to have left turn lanes coming out of northbound McKee Avenue to 322. Mr. Palmentieri said there is no way it is going to be fixed even with the short time on McKee Avenue. He said that traffic on the Pike has been backed up to Wrangleboro Road this past two weekends. Mr. Pritchard asked if there was any way to let people know about the marginal access road that they can use especially those leaving Canal's. He said they can go back out to the Pike that way. Mr. Smith said that they may not want to do that because of the speed bumps that are there. He said another marginal access is going to be constructed behind Canal's and those other businesses. Mr. Palmentieri said it will connect with the light at Hamilton Commons Drive.

Mr. Giordano said that he thought the Township Committee had been stressed with the power plant issue and the gravel pit. He said that he Committee has a lot of things to deal with that people aren't aware of. Mr. Giordano said of the comments made tonight one was pro, one called the Committee an enemy, one was to table, one had complex answers, one said no to the location, one said they were fair, one said to watch out for the ozone but he thought the greatest one came from the mother who said she was afraid and that she said more than all of the professionals put together.

Mr. Pritchard said he echoed the comments of Mr. Mattle regarding Diane Gruhle and that he too wished her the best.

March 7, 2005

Mr. Pritchard complimented the Planning Board on their work and said he knew it was a very adversarial situation, especially tonight. He said it is a shame when it degenerates into personal issues. Mr. Pritchard said he was sorry to hear about the damage Mr. Link incurred. He said the Board did set the basis for what the Township Committee created tonight and he complimented the subcommittee for the tremendous amount of work they did. Mr. Pritchard said there were obviously some philosophical differences, mainly the location and the conflict of two conflicting uses in one area. He said he thought that was the bottom line of why the Committee decided what they did tonight.

Mr. Pritchard congratulated the Hamilton Township Rescue squad and said he inducted their new officers recently. He wished them a successful, safe year.

Mr. Palmentieri thanked the Planning Board and said they did a really good job. He said that it was unfortunate that a lot of people didn't understand the process and accused the Board and its members of things that he personally knows that they did not do. Mr. Palmentieri said the Board did what they had to do according to the law. He said the Board did a good job in the face of a lot of opposition that was based on ignorance rather than knowledge of the process. Mr. Palmentieri commended the Board and the subcommittee for their work and perseverance in a difficult task. He said they did a good job in a relatively short time. Mr. Palmentieri said he knew there was and probably still is a lot of misinformation regarding the peaker plant. He said a lot of it is honest misinformation and some of it is dishonest information that borders on and is probably outright lying. He said that was unfortunate. Mr. Palmentieri said that it was unfortunate that it became political over the last 6 months. He said that he thought that was disgraceful and a disservice to the residents who were honestly involved with something that was unknown and upsetting to them. He said he thought that the Township Committee resolved the issue but he was not too happy about some of the things that happened over the past 6 months.

Mayor Sacchinelli said he was unable to make the retirement party but he hoped Diane had fun. The Mayor said she will be missed.

Mayor Sacchinelli thanked the Planning Board for hanging on during the power plant issue.

The Mayor read a letter from the Zoning Board Chairman asking for a proclamation by the Township Committee to recognize Rocco Santoro for his service as solicitor to the Board of Adjustment since 1978. The Mayor said he didn't think there was anyone more deserving of getting something from the Committee. Mayor Sacchinelli said Mr. Santoro was not reappointed this year because he had health problems. He asked Mr. Perugini and Mr. Sartorio to put something together for the April 4<sup>th</sup> meeting.

#### Public Comment

Amy Gatto commented on the Committee having excluded the increase in recreation fees to \$5,000.00 from the ordinance introduced tonight. She said she understood that the Township was trying to stay in line with what the neighboring municipalities are doing but wondered if there was a mathematical way to determine what the appropriate amount for this Township should be. Mayor Sacchinelli said that he thought the Township did calculations when they got the \$1,200.00-\$1,300.00 figure. He said he didn't think the Township is getting what it should from the developers and the \$5,000.00 was more broad-based and covered everything. The Mayor said the Township now has a step-up system. Mr. Perugini said Egg Harbor Township's recreation costs are the same as our Township's are. Mr. Sartorio explained Mr. Mott basically looked at the value of the land the developer has to see what it would yield them.

Wayne Choyce asked what steps will be taken between now and the next meeting with respect to the amendment introduced tonight and when the general public could get copies of the Ordinance. Mayor Sacchinelli said it will be published in the newspapers. Mrs. Anderson said that copies will be available from her office at no charge to and including the night of the public hearing. Mr. Perugini said that it would be posted on the Township web site. The Mayor explained the governing body will discuss it at the public hearing, public comment will be taken and, after everybody is heard, the governing body will discuss it again for a final vote or change. He explained that if, in the opinion of the solicitor, it is too big a change the ordinance will be tabled, changes will be advertised and a public hearing will be held on the changes and then the final adoption will take place.

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An unidentified speaker said commented on the pothole on Harrison Avenue and said the condition of the road has gotten worse over the past 3 years. He asked that it be looked into. The Mayor said that another resident of the area had said the same thing to him last night. In response to the Mayor's question, Mr. Smith said it was not on any of the Road Programs that he was aware of.

Jim Link requested something be done to recognize Nancy Rainbow for her 25 years of service to the Planning Board. Mr. Link also thanked Mr. Zlotnick for his comments regarding the Planning Board.

There being no further questions or comments from the public, Mr. Pritchard moved, seconded by Mr. Giordano, that the public portion be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Mr. Pritchard moved, seconded by Mr. Palmentieri, that this meeting be adjourned.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

ATTEST:

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