

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
APRIL 12, 2010

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith III, Township Engineer. Richard C. Tuthill, CFO, and Leon Costello, Township Auditor, were present until after the adoption of the 2010 Municipal Budget.

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 on the bulletin board in the municipal building and by faxing or e-mailing 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 at 6:30 PM on Monday, April 12, 2010.

A moment of silence for private reflection was observed.

Mr. Cain moved, seconded by Dr. Kesselman that the Late List be amended to add a resolution to table agenda Item 6.J, Public Hearing/Adoption of Ordinance #1669-2010, with no date scheduled for said public hearing.

MOTION CARRIED WITH MEMBERS CAIN, GATTO, KESSELMAN, PALMENTIERI AND SILVA VOTING "YES", NO "NO", NO "ABSTAIN"

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

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

4. Resolution to table Public Hearing/Adoption of Ordinance #1669-2010 CAP Index Ordinance with no date scheduled for said public hearing.
- 9.A Insert names of businesses:
  - (1) VO Group, LLC - vacation ownership consultation business on Atlantic Avenue
  - (2) International House of Cuts - hair products/styling business on Main Street
  - (3) HH Gregg - electronics/appliance retail & services in Hamilton Commons
  - (4) Déjà vu Cosmetics - cosmetics retail sales in Hamilton Mall

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

There were no Executive Session confirmations to be made.

Finance Committee Chairman Thomas Palmentieri budget comments

Mr. Palmentieri said that in March, as Chairman of the Budget Committee, he commented that the 2010 budget being introduced featured no layoffs and no cuts in services. He said that since then Governor Christie announced his budget and reform proposals that will change local government dramatically from this point on. Mr. Palmentieri said that after being advised by the State to use the same (state) aid number in the 2010 budget as last year's number the Township was advised that as part of the Governor's budget the state aid is being cut over \$800,000.00. He said this monumental cut is unworkable in a budget year that is already over a quarter gone. Mr. Palmentieri said that while he fully understands and agrees that the status quo in Trenton must change a transition to a suitable balance between taxes and reasonable services is necessary and tools to control the costs of expenses beyond the Township's current control is required. He said neither of them is provided. Mr. Palmentieri said these severe cuts immediately place a tremendous hardship on municipalities. He said the Governor also proposed a significantly more restrictive tax levy cap of 2.5% without any exceptions and that the cap change combined with the aid cuts will force local government to undergo an historic transformation. Mr. Palmentieri said that since this forced transformation may require elimination of several services and reduction of staff in essential services well beyond what many residents may desire, the Committee is proposing that the voters choose the government they want on the general election ballot in November. He said the Committee plans to develop two options the voters can select from over the next several months. Mr. Palmentieri explained one option will be government under the Governor's criteria with an \$800,000.00 loss in aid and a 2.5% maximum tax increase and the services to be eliminated or reduced and layoffs required to meet the Governor's financial restrictions will be included in that

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choice. He said the other choice will be the cost of maintaining current services. He said voters can decide if they want less services or they want to maintain the current services at a specific projected additional cost. Mr. Palmentieri said the Committee will need several months to prepare two different versions of local government, one with services dictated by costs and one with cost dictated by services. He said it will need to be completed by August in order to be placed on the November ballot. Mr. Palmentieri said the cut in the current year's State Aid is too large to address in 2010 and it will also have too great an impact to be decided without a comprehensive integrated restructuring plan or without hearing the voters' preference. He said that while the two versions are prepared and waiting for the voters' preference, the Committee recommends maintaining existing for the balance of the current year as funded in the 2010 budget introduced in March, that the 2010 loss of State Aid be replaced by \$300,000.00 of additional employee concessions and reduced spending with the balance to come from school tax deferral. Mr. Palmentieri said he personally dislikes deferring school taxes but he believes this year's perfect storm of financial bad news is one of the very many limited situations where the deferral is appropriate. Mr. Palmentieri said that before Mr. Sasdelli began the presentation for the budget hearing he wanted to thank the great staff for their professionalism, cooperation and monetary sacrifice totaling over \$400,000.00 in concessions this year. He said that is an average of \$2,500 per person this year so the township taxpayers can continue to have all of the services for another year at only \$85.00 per average household.

Mayor Silva said everywhere we turn the negative impact of the economic downturn doesn't let you forget the problems we are facing. The Mayor said that just as the recession has wrecked the lives and careers of many, it has caused people to redefine and reinvent their careers to survive. He said it also forced local government to look at ways they should be performing the services it provides and to redefine and local government at this point. Mayor Silva said this budget is about transforming Hamilton Township government through the rest of 2010 and 2011. The Mayor said this budget has weighed very heavily on all the Township Committee Members and been all consuming. He said he hoped people understood that the decisions they make tonight will have a positive effect on some and a negative effect on others.

#### Administrator's Budget power-point presentation

Mr. Sasdelli printed handouts of everything on the screen would be handed out. He introduced the Finance Team consisting of himself, the auditor Leon Costello and the Finance Officer Richard Tuthill. Mr. Sasdelli explained the Township collects all of the taxes but about 54% of the tax dollar goes to the school, 16% goes to the County and 30%-31% goes to the municipality. He said that the average home owner pays about \$4,966.00 in property taxes and out of that \$781.00 goes to the County, \$2,654.00 goes to the schools and the Township gets \$1,531.00. Mr. Sasdelli showed a slide listing all of the services the Township provides for that money. Mr. Sasdelli said this budget was introduced March 1<sup>st</sup>; it was on time; it was in compliance with all existing guidelines at the time; it was introduced by a 5-0 vote; it included 4 less positions than last year reducing the number of employees from 177 in 2007 to 158 by the end of 2010; there are no reductions in essential services; there are no new programs or expansion of programs in it; there are no new positions or services in it. Mr. Sasdelli said the first round of employee concessions in the introduced budget were about 2% of an employee's paycheck. He said the introduced budget included a tax increase of about \$85.00 per year; it was advertised; it was posted on the website; it was available in the Township Clerk's Office; it was put in the Library; and all that exceed what the law requires in terms of advertising. The said the Township lost over \$800,000.00 in State Aid since March 1<sup>st</sup> that was comprised of \$708,225.00 Energy Receipts Taxes and Pinelands Stabilization Aid \$94,734.00. Mr. Sasdelli said he doesn't like it when the State calls Energy Receipts tax State Aid because it is the utility tax that is on everybody's utility bill. He said the State collects it, keeps some of it, and redistributes the rest back to municipalities. Mr. Palmentieri said it used to come directly to the municipality. Mr. Sasdelli said the State keeps taking bigger chunks of it. Mr. Sasdelli said the Finance Committee tried to stay as focused on the unanimously approved budget as they could; met three times; reviewed all options to see what could be reduced without affecting services; and went through every line item in the budget looking for operation expense cuts. He said the four recommendations of the Finance Committee are that the Township (1) join 40 other towns that lost Pinelands Act or Highlands Act Aid; (2) cut operating expenses (3) additional employee concessions that they got; and (4) defer more school tax. Mr. Sasdelli said the Highlands and Pinelands Acts mandated the municipalities do certain things and the towns got mandated funding to go along with it. He explained the Acts say it is a State Mandate and they have to pay for it and the 40 towns want to file a joint complaint with Council on Mandates and with the new Red Tape Commission that was formed to review unfunded mandates. He said their thinking is that if the state is taking away the required funding they have to take away the mandate that brought the funding to the municipality. Mr. Sasdelli said that will be lengthy but if the towns are successful it will

restore about \$95,000.00 of the lost Pinelands Aid. He commented on going back through the operating budget and said reduced it by about \$100,000.00 and explained the bulk of it is police cars. Mr. Sasdelli commented on wanting to maintain services and avoid additional layoffs. He said they went back to all the non-union, Teamsters, and PBA groups and he was very pleased to say they got additional concessions totaling \$200,000.00. Mr. Sasdelli said the employee concessions totaled about \$400,000.00 and explained that the introduced budget included 210,000.00 in employee concessions; the additional concessions were about another 2% of the employees' pay; most of the additional concessions were achieved by closing the municipal building an additional five (5) days that the employees will not be paid for. Mr. Sasdelli said something different but proportionately equal was done in the Police Department because they can't be closed. He explained with the lost aid and concessions there was still a \$503,000.00 gap and the Finance Committee is recommending that amount be deferred in school taxes. Mr. Sasdelli explained no one likes to defer school taxes but because of the township's fiscal practices and saving that for an emergency or rainy day, it is a usable option. He said there is \$4.2 million available and the Finance Committee recommends using an additional \$500,000.00. He said that would bring the amount of School Deferral to \$803,000.00. Mr. Sasdelli said school tax deferral would not affect taxpayers' pocketbook of services. He commented on the governor saying he was going to make the cuts and provide the tools to deal with it. Mr. Sasdelli said the Township got the cuts but they didn't get the tools yet. He explained the State is on a fiscal year that starts July 1 but the Township is on a calendar year and has already started spending money so it is hard to deal with a shortfall midway through the year. Mr. Sasdelli said that because of the township's structural debt of about \$1 million, the newly proposed 2.5% hard cap and declining ratable, the Township government has to be aggressively transformed through the rest of 2010. Mr. Sasdelli said that in order to make up the deficit, meet the 2.5% cap, and the decline in ratable some drastic things have to be done. He said it is hard to do that when you are told in the middle of March that it has to be done by the middle of April because there isn't enough time to do a comprehensive plan. Mr. Sasdelli said the Finance Committee is saying this transformation of government has to be done; all aspects of government will be affected; it will affect employees, services, taxes, boards and commissions. He said they need time to compile the options and put a plan together that gives everyone adequate notice of any changes being made. Mr. Sasdelli said they also felt public participation in the transformation is key and recommended a referendum on the ballot in November that would allow voters to help define the future of their government. Mr. Sasdelli explained "choice A" would be to not defer taxes, live within the 2.5% cap, close the structural deficit, and in order to do it they have to talk about elimination of services, layoffs, privatization, and reduced hours. He said all the residents will have to decide if they want those things done away with and not have a tax increase or "choice B" would be to maintain the services by the residents giving the Committee permission to exceed the tax cap by "X" amount. Mr. Sasdelli said somebody may want to communicate to the governing body that they don't want to give up leaf collection, trash collection, 10 police officers and a senior program if their taxes are only going to go up \$56.00 a year. Mr. Sasdelli said the Finance Committee felt the governing body may not want to make that drastic a change without public input. Mr. Sasdelli explained a public hearing has to be held on the introduced budget and after the public an amendment then has to be introduced because of the \$803,000.00 loss in revenue. He explained the actions needed after the public hearing are adoption of a resolution to increase the school tax deferral; a resolution to amend the budget; and then a vote on the budget as amended. He said an amendment was prepared to cut \$300,000.00 from spending and increasing school tax deferral by \$500,000.00. Mr. Sasdelli any changes resulting from the public hearing may or may not require re-advertising and a new public hearing depending on their magnitude. He said Mr. Costello and Mr. Tuthill can tell the Committee if that has to be done and whether or not it can be done tonight. Mr. Sasdelli asked if the Committee had any questions before the public hearing is opened.

Mayor Silva asked Mr. Sasdelli to explain how he came to the tentative tax increase amount on the average priced house. Mr. Sasdelli explained the average home is assessed at \$110,000.00 but because the township ratio is 50% the market value would be \$220,000.00. He commented on a news article on the median sale price of a home in Hamilton Township being \$171,500.00 and said at a 50% ratio it puts the average assessment under \$100,000.00. Mr. Sasdelli said that is what he based it on.

Ms. Gatto said it was important not to forget and she didn't want to lose sight of the fact the Committee filled a \$2.8 million gap using a mix of cuts, employee concessions and deferral before they got to a budget that could be introduced. She said the Committee started on that last July. Ms. Gatto commended the employees for their concessions, all the work they did with the Township Committee and trying to help the Township get through this time. Ms. Gatto referred to Mr. Sasdelli's comment about the school deferral being there for rainy day use and said that it isn't the Committee's favorite tool to use but she agreed with Mr.

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Palmentieri and Mr. Sasdelli that this is the time to use it. Mr. Sasdelli said he appreciated Ms. Gatto commending the employees for their concessions but he wanted to point out that everything that applied to the employees was applied to the governing body; they got a 4% reduction in pay and are paying 1% of their salary towards their health insurance. Ms. Gatto said she thought she would support the idea of the referendum if the Governor's 2.5% cap passed into law because the Committee will be forced to make significant changes at a significantly fast pace and probably faster than any of them are comfortable with doing. She asked if the Finance Committee saw that strategy changing as the Legislature got to work or if it was something they wanted to decide and move forward with no matter what happens at the state level.

Mayor Silva said he wasn't supporting any position the governor has taken because he and Mr. Sasdelli were on a conference call with the governor the night before he introduced his budget about what he was going to cut and the impact it would be on the municipality but they had no idea what the governor's budget was going to be. The Mayor said he thinks many of the tools Mr. Sasdelli referred to may or may not come as the days go by but he doesn't think there is any tool that can get any of the municipalities out of the financial quagmire they are in today. He commented on many people wanting to have a say in what happens and said the best voice people have is to be interactive with government. The Mayor commented on this Township Committee trying to stay very open and transparent and said a lot of credit has to go to many of the members who have constantly asked for everything to be put on the website. He said he didn't think there was any other municipality in the County that has as much information available as this Township has on its website. Mayor Silva said people don't have to stop in to town hall they can go to the website and get the information. The Mayor said he doesn't know where it is going to go and that Ms. Gatto is right about a hard cap. He introduced the Township Auditor Leon Costello and asked him what his basic feel on it was.

Mr. Costello said he thought the Committee should proceed with the plan they have tonight and make the assumption that the governor is going change the way municipalities have to deal with financing their budgets. He said one of the "tools" is to let each municipality propose exactly what this Township Committee is saying, let the people vote on what they want and don't want. He said if they want it, it will cost the tax consequence but it will be at the voters' discretion and not necessarily the governing body's.

Mr. Cain said the Committee spent a lot of time going back and forth on this budget. He said the process started over a year ago and will continue to transform over the next several months preparing for 2011. Mr. Cain said it amazed him that the \$130.00 that is spent per household per month on municipal services in Hamilton Township covers 22 separate categories and cited police, fire, EMS, leaf collection, street lighting, and road paving being as a few if them. He said he pays \$179.00 a month for trash removal from property he owns in Galloway Township and this Township is doing 22 categories for less than he pays per month for trash removal from his rental units in Galloway Township. Mr. Cain said he would make every effort with this Committee to continue to find new efficiencies and ways to cut while maintaining services and saving jobs. He said this is just the beginning and they look forward to the public's cooperation in allowing them to move forward.

Mr. Palmentieri said the trigger on the referendum has to be pulled by August. He commented on not knowing if the Legislature will act by then or if there was another path it would go in and said he didn't think the Committee could wait past August. Mr. Palmentieri said even if the legislature doesn't do anything and the Committee puts it on the ballot because a lot of people are looking for that input and it gets a 65% vote of support, the Committee would be hard pressed to ignore that kind of overwhelming preference that people want government downsized when they were given the full details of what it means in terms of lost services. Mr. Palmentieri said he agreed it was the way to go to involve the most people and have the biggest input.

Ms. Gatto commented hearing questions about whether the Committee is doing what the employees a lot and said the Committee has refused any form of increase and in fact decreased its compensation. She said she thinks that is the right thing to do as a model to the employees and the community. Ms. Gatto said the other issue that keeps coming up is health benefits and she suggested the Committee discuss a salary ordinance amendment at the next meeting that would limit Township Committee Members compensation to the benefits or the salary. Ms. Gatto suggested the amendment be a clause that says if elected officials accept benefits they are ineligible for salary and vice-versa.

Mayor Silva said he thought it was a good suggestion from his position because he accepts benefits. He said he supports it; is willing to do it now; and he thinks it should be put on the next agenda for consideration. He asked if the Solicitor could look at putting it together.

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Mr. Palmentieri asked if there was enough time to do it by next meeting. Mr. Sasdelli said there is only one week until the next meeting but he will talk to the Solicitor and do it as quickly as they can. Ms. Gatto said she didn't know that the amendment needed to be prepared for next meeting, she thinks the Committee just needs to discuss the issue because there is a lot to talk about.

Dr. Kesselman said he echoed all the sentiments presented and appreciated Ms. Gatto bringing that forward. He referred to the slide showing how much tax goes to the County and the schools and said he thought it is really important for the public to share its voice in the process at each opportunity they have to do it. He said the Committee will support what the people bring to them. Dr. Kesselman said he thinks when the public looks at what they get from the municipality for what they are paying, they will find it is not unreasonable. He commented on everyone knowing it is higher than they would like it to be. Dr. Kesselman talked about the three Strategic Planning Committee meetings that have been held to solicit input from the citizens and said a number of weaknesses and strengths were identified. He said taxes came up but not at the same rate as many other weaknesses and external threats did. Dr. Kesselman said he hoped that when the ballot question is framed it will be very, very clear so the residents know exactly what they are voting on and that it delineates exactly what it will mean when they vote yes or no.

Mayor Silva referred to Mr. Palmentieri saying that it has to be done by August and said the Committee plans to have a lot of public workshops to get to that point. The Mayor said it will not be 2 Members going into a room, making a list and start throwing things up. He commented on the interaction at the Strategic Planning Committee meetings. Mayor Silva said very few Committee meetings throughout the year have as many in the audience as there are tonight because there is something the people are concerned about. He said he hopes the level of concern will permeate every meeting going forward because e-mails and phone calls never rise to the occasion that having the public in front of you is able to generate. The Mayor asked the public to take his comments about the budget weighing very heavily on the members seriously because not one of them has found it an easy task.

There being no further discussion on the presentation, Mrs. Anderson explained that a motion, second and vote was needed for the late list item to table Ordinance #1669-2010.

Ordinance #1669-2010:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the public hearing on Ordinance #1669-2010 be tabled with no date scheduled for said public hearing.

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

Public Hearing/Adoption of 2010 Municipal Budget

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

RESOLUTION TO READ 2010 BUDGET BY TITLE ONLY

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, in the County of Atlantic, State of New Jersey, that the budget shall be read by title only.

ROLL CALL: CAIN "YES"  
GATTO "YES"  
KESSELMAN "YES"  
PALMENTIERI "YES"  
SILVA "YES"

RESOLUTION ADOPTED APRIL 12, 2010.

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Public Hearing on 2010 Municipal Budget

Mayor Silva asked everyone in the audience to remember that this isn't a time for them to bash the current Township Committee, any prior Committee, any of the Administration, any people that work in town hall, the Public Works Department or the Police. The Mayor said he wouldn't limit members of the public's time unless he feels it is getting out of hand. He commented on there being a lot of people in the audience and not knowing how many of them would get up to speak and said the Committee wants everyone who wants to speak to have the opportunity to speak.

Lorraine Granese, Pelican Lane, Mays Landing, said she talked about some things years ago that never picked up any momentum. She said things aren't what they used to be here or in the whole state and that things have to change. Ms. Granese said she doesn't think employees should have to bear the brunt of a crisis and that she thinks there are other ways to cut expenses. She commented on talk about privatizing Public Works with the caveat that every Township employee had to be rehired by the private company years ago and said it never went anywhere. She suggested it might be something that could be brought back. Ms. Granese commented on being asked why a particular employee that lives 1 mile away from town hall was using a township car to go back and forth to work. She said nobody paid for her to go back and forth to work for 25 years and suggested the Committee look at taking cars away unless the person is doing inspections. Ms. Granese said she paid \$36.00 a month to have her trash picked up twice a week in Florida. She commented on people being used to government doing everything for them and said maybe trash pickup isn't the job of government; that maybe the person living in a home is responsible for how they get rid of their trash; or maybe the Township could renegotiate with the company that provides the service. She suggested the Committee say "this is what we can afford" instead of "this is what it is going to cost you". Ms. Granese said she doesn't think the Township is in a position to finance 5 volunteer fire companies to the tune of \$3,000.00 a month in rent which comes to \$180,000.00 a year. She said she talked about consolidating them in the past and believes that it was also mentioned in the fire study but nothing was ever done. Ms. Granese asked that combining two companies and using one as a substation be looked again. She said she doesn't think the Township can afford to subsidize 5 fire departments. Ms. Granese said something has to give somewhere and it shouldn't always be on the backs of the employees. She asked if there was anything to report on recouping some of the \$2.5 million in Court fines. Mr. Sasdelli explained there are things that are going to be done but he doesn't want to discuss it without the Police Chief being present. The Mayor thanked her for her comments. Mr. Cain said he hoped Mr. Sasdelli's comments let her know her voice was being heard

Peg Capone asked how many police officers there are and why they have 87 vehicles. Mr. Sasdelli said there are 67 officers and explained the police vehicles roll 1.2 million miles a year and they use up about 10 cars a year. He said they have different kinds of vehicles; 4-wheel drives, utility vehicles, and patrol cruisers. Mr. Sasdelli said 4 cars were cut out of this budget. Mrs. Capone questioned why the Administrators in the police department who are not actually Police Officers are driving vehicles assigned to the department. She said Ms. Granese made a very good point about people in charge of departments driving vehicles and it doesn't appear to be anything cut from the budget. She said she thinks the days of those perks are over and people need to pay for their own vehicles, their own insurance, their own repairs, and their own gas to come to work. Mr. Sasdelli said he didn't disagree with Mrs. Capone but sometimes it is not as simplistic as she makes it out. He explained when certain people are on call to respond to emergencies, the Township wants them to go directly to the emergency; they don't want them to drive to the police station to pick up a car and then go to the scene. He said sometimes there are valid reasons for doing that for on-call people but there are other reasons where the Committee may have to look at what Mrs. Capone is saying. Mrs. Capone said it sounded like there were 18 extra cars in the police department and asked if they were all for emergencies. Mr. Sasdelli said the Chief assigns police vehicles, not the Township Committee so they wouldn't know the answer to those questions. Mrs. Capone asked if administrators in Town and people in charge of departments who are driving township vehicles to and from work. Mr. Sasdelli said there are. Mrs. Capone said she doesn't believe vehicles need to be provided to administrators; that she thinks they are paid very well to get to and from work; and they should finance their own transportation. Mr. Cain commented on the Committee asking the public to give them a little leeway because they see this as a continued transformation. He said that he requested a complete list of all the vehicles about a week ago, who is assigned to them, and pool vehicles. Mr. Cain said they just received the list but didn't have time to look at it. He said the Committee's job is to find efficiencies and they continue to look for them. Mrs. Capone said it was frustrating that the Committee easily came up with an 8-cent tax on the taxpayers before investigating those issues. She said she doesn't think it is fair for the public to pay 99% of employees' health care. She said the public, some of whom don't have health care, is being asked to pay health care for the government who is providing their services. Mrs. Capone asked if the PBA gave up any of their longevity pay in this budget. Mr. Sasdelli said that was not one of

their concessions. Mrs. Capone asked how much their longevity pay contributed to the proposed budget. Mr. Palmentieri said it is 0.0006% of the budget and it was \$159,888.00 last year. Mrs. Capone asked if it added \$160,000.00 to this year's budget. Mr. Sasdelli said he didn't know the exact number but that was close. Mrs. Capone said that was something that could well have been targeted because they are a very well paid force. She said the other Township employees basically gave up all of their raises but the PBA didn't, they got a raise. Mrs. Capone said the taxpayers are getting a tax increase and it doesn't wash. She compared it to a family sitting at the dining room table with the Committee being the parents, the taxpayers being the children and one side is giving more while the other side is taking more. She said it isn't a shared burden because the police are getting a raise and the public is being taxed for it. She thanked the Committee for their time and the Mayor thanked her for her comments.

John Pucci, Harrison Avenue, asked if the Committee was familiar with the tax increase proposed by the local and regional high school districts; if those increases were part of the Committee's decision making process; and if they knew what the total increase would be. He said it's admirable that the Committee will ask the public in November how they want the Township to proceed; that he thinks how the referendum question is worded is very important; and that it is important to start working on how the message will be gotten out. He suggested the township website address be put on the podium because it may promote the website when people watch the meeting video on Channel 2. Mr. Palmentieri explained the Committee can't really dictate and manage what goes on in the Township based on another jurisdiction's actions and can't say they have to cut taxes, eliminate services or have layoffs based on what the school did or didn't do. Mr. Palmentieri said the Committee's budget is independent and the Committee is responsible for its piece of the tax pie; the schools have to be responsible for theirs; and the County has to be responsible for theirs. Mayor Silva said the wording will be such that "yes" will mean "yes" and "no" will mean "no". He said he has seen questions that people didn't understand even after getting the explanation of it. Mr. Palmentieri said the wording will be very clear and people will know if they are voting to give up services and what the costs to keep the services are. Mr. Pucci said the total tax increase includes what the school districts are proposing and not just what is being proposed here. Mr. Palmentieri said the Committee realizes there are three basic components but they can't determine what services the Township is offering based on what the school did. He said the Township Committee has to operate as its own separate entity and they have. Mr. Pucci said the Committee may become involved in the school budget depending on what happens at the election next week. Mr. Palmentieri said that is when the Township Committee's say in the school budget will come into play. Ms. Gatto commented on trying to establish lines of communication to do as much shared services as possible with the schools and county.

Robert Curtin, Harbor Avenue, said he had discussions through e-mails and personnel meetings with Mr. Sasdelli, Mayor Silva and other members of Township Committee kicking around ideas on the budget. He said he worked with a lot of town halls in his practice and there is no question in his mind that this Township has the absolute finest Administrator in Mr. Sasdelli that you could ever have. Mr. Curtin said he didn't know how many people who have to make public presentations could have the complexity of this information available on the internet and in the public forum and as simplified as it is. He said it is almost a stroke of genius and credited Mr. Sasdelli for it. Mr. Curtin said he thinks everyone should recognize that getting the budget they started with in March to where it is tonight, given the Committee was dealing with another \$800,000.00 issue, is the perfect definition of negotiations and he commended Committee Members on it. He said he thinks Committee Members should have a platform that they run on and their platform is what the people vote on. Mr. Curtin said he isn't sure the referendum is such a good idea. He said Social Services is another area the Committee has to deal with. Mr. Curtin said most people don't know that it costs around a quarter-million dollars and serves only 75 people out of a population of over 26,000. He commented on only having to be 55 and over to qualify. He said he only has to call, say he needs the van to take him to the Acme; it would be sent right over to take him to there; and he would get a free lunch too. Mr. Curtin said those things are great when you have all the money in the world. He said there may be people in need that the Township has to find county or federal programs that they can be plugged into. Mr. Curtin said there were people in the room that are concerned about their jobs for next year and they should be concerned about that program because it is two to three full-time jobs with complete benefits or 2-cents on the tax. Mr. Curtin said he thinks the Committee has to start dealing with the issues that have been pet projects because everything adds another penny and it is 8-cents this year. He referred to Mrs. Capone's comment about longevity pay that is 3-cents so the increase could have been 5-cents not 8. He asked the Committee to consider those things. Mr. Curtin said he knew there was a lot of discussion over the past weeks but in the end he thinks that what the Committee did in trying to spread the pain around and this budget document is 100% better than what they had in March and he commended them on it. Mayor Silva thanked him for his comments.

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David Adams, Hickory Street, said he appreciated that this is a very tough task for everyone and the Administration but he thinks everything done should be under the headline that New Jersey is already paying the highest taxes in the country. He said he didn't think raising taxes on the already heavily burdened taxpayers is the first thing that should be gone to. Mr. Adams commented on running a small business locally; having had to face a lot of the same economic difficulties as everyone else; and said he responded by cutting employees and cutting pay including his own. Mr. Adams said he didn't know that the Township had done an adequate job in negotiating the cost it pays for its labor by way of wages, benefits, and pension costs which he thinks are only going to get worse. Mr. Adams said the November ballot question was an interesting idea but it only had two choices, to keep services or cut services and he thinks a third choice should be to renegotiate some contracts. He said he knows some of that has been done and some small concessions were gotten from the PBA but that is the biggest piece of the pie and he thinks the Township got the smallest concessions from that group. He said he thinks that the Township has to continue to negotiate hard to get the best deal they can to keep the cost down for the taxpayers. Mr. Adams said he appreciates everybody's efforts and he knows it's really difficult for everybody here but it is difficult for the taxpayers too. He said the Committee shouldn't come to the taxpayers first because they don't get a choice in it other than to come here and speak or move out of town. Mr. Adams said he wants to stay in town. He thanked the Committee for their time. Mayor Silva thanked Mr. Adams for his comments.

Michelle Morris, Dannehauer Lane, said she didn't understand the \$503,000.00 school deferral. She compared it to someone using credit cards, then taking the equity out of their house to pay it off, and continuing to do it year after year. Ms. Morris said that isn't a positive thing. She said she applauded the Committee for never having to use that resource before but questioned if it was ever a good strategy. Mayor Silva said he doesn't think anyone on Committee liked to use the card approach and asked if it was putting off to tomorrow what should be addressed today. The Mayor asked the auditor to give an overview of the deferral and said he knows very well where Mr. Costello stood on it. Mr. Palmentieri said it isn't a good idea and it shouldn't be done long term. He said the Township hasn't ever voluntarily done it with the exception of a little last year unlike some towns that maxed out their multi-million dollar capacity over the course of a decade to artificially keep tax rates low. He said when comparing tax rates you have to see what is behind it and ask if the town is financially sound or about to go off the cliff. Mr. Palmentieri said this township is in good shape and explained the only reason the Committee is proposing the deferral in this situation is because they are giving the taxpayers a choice on the ballot of how they want the Committee to restructure government to get costs down to a balanced budget without any school deferral next year or to raise taxes to properly fund a balanced budget without school deferral but also keep services the way they are. Ms. Morris asked if the \$503,000.00 would be added to next year's budget. Mayor Silva said any item deferred this year has to be put back in the budget next year. Mr. Costello said schools are on a fiscal year, July 1st to June 30th, and the Township is on a calendar year, January 1st to December 31st. He explained that if the school has a \$10 million tax levy the Township is allowed to defer half of that or \$5 million and put it into the municipal fund balance. He said the Township will pay the school their \$10 million and spend \$5 million of it also. Mr. Costello said it is fake and it is beyond any accountants' imagination why that law was ever created. Mr. Costello said this Township hasn't done this other than 1989, 1990, 1991 and 1992 when Governor Florio mandated that the municipalities defer their school tax up to the full 50%. He said he didn't believe the Township had done it since 1993 until a small portion was done last year. Mr. Costello said the Township Committee is unanimous that doing this is not a great idea but they were dealt with \$803,000.00 in state aid cuts two weeks after their budget was done. He said the Committee can't make that many concessions or cuts in the work force to make up that difference and still run the Township effectively on that short a notice. He said it isn't a good idea but it had to be done to get through this year and it isn't a permanent solution because it doesn't fix anything. Mr. Costello explained it is \$503,000.00 that the Committee won't have to use in the 2011 budget and that is why it is so important to redo how township government is going to work from 2011 forward provided the governor's new issues stay in place and the fact the Township is spending more than it is taking in. Mr. Costello said the economy has hurt the township and every municipality greatly and everybody is in the same boat. Ms. Morris asked if the school budget would come to the Township Committee to decide what to do with it if the people vote against the school budget next week. Mr. Costello explained it will come to the governing body if it is defeated and they will have until May 19th to pass a resolution certifying how much to raise in taxes. Ms. Morris asked if always comes down on the employees and said people hate to hurt their children and teachers. Mr. Costello said it is worse in schools than in municipalities because they are more heavily employee based than municipalities and that employee costs are 80%-83% in schools. Ms. Gatto said schools have heavily mandated costs and there is very little they have control over. Mayor Silva said public employees and police are taking a bad rap now. He said it isn't that they

took anything, it was all negotiated through contracts. Ms. Morris commented on being in business and said she understood those issues. Mayor Silva compared how the county breaks down its taxes to a person's pay stub that lists every benefit on it so they are aware of what is going on. He said he thinks everyone is more painfully aware of what is going on today and that the new normal is different. He commented on Mr. Curtin being a phenomenal architect who had to close because he had no more business and that he is passionate about what the township should be paying attention to. He said the Committee is constrained on some things because they are negotiated items. Ms. Morris said she knows everyone is doing a wonderful job; this is a wonderful municipality and the schools are great but the public wants to know that they are getting the best they can for their money. The Mayor said the Committee has put the onus on themselves and are starting right now to look at every option available. He said the Administrator has been meeting with everyone and they are all aware of what is going on.

Dr. Kesselman asked what the governing body has authority over if the school budget is defeated. Mr. Costello said the governing body will have the authority to determine the tax levy by making line item adjustments with support and the reason for them. He explained the school then has to use that tax levy and make the tax cuts the governing body supported; they can change it around as long as they don't go over the authorized tax levy; or they can appeal it to the Commissioner of Education and have it reinstated. Mr. Costello said there is a minimum tax levy that the governing body cannot go below. Dr. Kesselman questioned the probability of the Commissioner reinstating it. Mr. Sandman explained the governing body enters into negotiations with the school board based on a line item analysis of the budget and if the governing body is fortunate enough to have the Board of Education agree, there is agreement on a compromise number. He explained there is an appeal process and, based on his experience, once the School Board says they cannot provide a thorough and efficient education the Commissioner routinely reinstates their budget. Ms. Gatto said there are two budgets, the local and the regional high school. Mayor Silva questioned how it works with the regional where several municipalities are involved. Mr. Sandman said the process is the same except that the regional involves 4 municipalities.

Dr. Kesselman said initially the Committee actually reduced the amount of deferral money they were going to use this year from what they used last year but the state aid cut of \$800,000.00 threw everything out the window. He said it is borrowing against the Township's own money, it is not a good idea, and that the governing body doesn't really want to go that way.

Mr. Sandman said further down on the agenda the governing body has taken his recommendation that in 2010 they can sell a liquor license and that will be a one-time, unforeseen gain that could potentially take away half of that \$500,000.00 next year. Mr. Costello explained the state budget and school budgets start July 1st and the Township budget started on January 1st. He said to effectively go back and change what has to be changed to make up \$500,000.00 is catastrophic. Mr. Costello used laying off 20 police officers for the rest of the year as an example and said that all of that money would have been used for 2010. He said that is why the Committee has to take these steps now to get the budget done today and start working on 2011 because they are already 4 months into the 2010 budget. Mr. Sasdelli commented on the reason for using one-time revenues and said everyone in the room knew that the tax rate would have been 2-1/2 cents higher if Mrs. Morris-Phy and her husband hadn't bought Sunshine Park. He said the governing body didn't go to the tax rate first; they went to the employees and other areas first to try to keep everybody working. Mr. Sasdelli explained the employees got a 3.75% salary increase and but are giving back about 4% in concessions. He said the governing body felt they got as many concessions as they could at the negotiating table. Mr. Sasdelli said they may be able to get more if the tool kit the governor is going to give the municipality changes things and they have more ability to impose things unilaterally but right now those things have to be negotiated.

Harry Rogers, Morningside Drive, said the solicitor and auditor both told the Committee the tax deferral was an imprudent move when they used it for the first time last year and now they are taking a bigger piece. He said he knows they don't want to but the employees 3% pay increase offset by 4% concessions really nets out to a 1/2% concession. Mr. Rogers said he took a 14% involuntary concession last year, many people took more than that like Mr. Curtin whose business folded up and they are the people who pay the township salaries. He said longevity and base pay for the police have to be dealt with. Mr. Rogers said the school deferral has to be more imprudent this year than last because it is almost twice the size. He said township spending increased at 8% to 10% runaway spending rates during the early part of the last decade when most people were getting 2%-3% COLAs if they were lucky. Mr. Rogers said government is now finally in retreat. He said he doesn't think the governing body attacked base salaries to the extent necessary to make the outflows equal the inflows. Mr. Roger said the Township is still living beyond its means. The Mayor thanked him for his comments.

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Shawn Grigus, Lenape Avenue, said he agreed with some things said tonight and not with others. He said he pays upwards of 30%-40% for health care and he agrees that 1% is way too low to pay; he thinks 20% is more like the national average. Mr. Grigus said he didn't necessarily agree that employees shouldn't have to take the brunt of it. He said he thinks government should be run as a business and household is run. Mr. Grigus commented on hearing talk of privatizing some things and said if you have a business and business falls off, you have to cut employees, cut their salaries, lay people off, cut benefits, etc. Mr. Grigus said he knows government has an obligation to provide services and that fire, police, emergency services are of the utmost importance. He said he thinks there places that can be cut and health care is a big one. Mr. Grigus said he thinks trash collection could be looked at; that people could be charged for it; that he doesn't agree that it is government service; and that the governing body might what to think about providing a minimum and charging for anything over that. Mayor Silva thanked him for his comments.

Mr. Cain said he knew the people from Ashland Avenue want to comment and reminded them this is a public hearing on the budget and they will get an opportunity to present what they have at the end of the meeting.

Carl Pitale, Lake Drive, said the taxes keep going up and it has to slow down. He asked if LOSAP was cut this year and if not why it wasn't. Mr. Sasdelli said it wasn't cut because the township gets free fire protection for 113 square miles and LOSAP is about \$65,000.00-\$70,000.00 in the budget. He said when he was in Eavsham it cost them \$7 million for paid fire protection and this township has 140 volunteers to respond to fire and the governing body thinks that is a good deal. Mr. Pitale said he is one of the volunteers and is enrolled in LOSAP. He said he has no problem giving back whatever everybody else gave back. Mr. Pitale said he wouldn't ask the police officers and other employees to give something up and not give something up himself. He said he didn't join the Mays Landing Fire Department for \$800.00 that he may get 25 years from now and will volunteer no matter what. Mr. Pitale said if they give back 10% of the \$100,000.00 that is \$10,000.00 that could go to something else. He said Mays Landing got a new ladder truck and the old one is still in service somewhere else. He asked why they have to have all the brand new bells and whistles and everything. Mr. Pitale said he thinks they have to start looking at things and saying let's make it last another 2 or 3 years. He commented on knowing he will be ridiculed when he goes to the fire house tomorrow but that is how he feels and he thinks it is one of the things the Committee can look at for savings. The Mayor thanked him for his comments.

Kelly Davenport, Twelfth Avenue, said she is a volunteer with Mizpah Fire Company. She said 10 or 11 years ago there was a program in the works of a 5-year plan for every company to get a truck and after 5 years the first company who got a truck gets another one. She said one company got 3 trucks in the past 3 years. Ms. Davenport said one person should not be telling everyone else what they have to do. She said the 5-year plan worked when Bud Eggie was the ESAB leader. Ms. Davenport said that because everybody else doesn't want it to work, it won't. She said that has to be looked at. Mr. Sasdelli said this is a public hearing on the introduced budget, not the fire truck inventory.

Lorraine Granese said everyone knows how she feels about the Senior Center. She said she is 55 and can drive to the Acme herself but her mother is 95 and if there is no way she could get to the Acme if she didn't have two daughters. Ms. Granese said the Township provides services for the most vulnerable people and there is something wrong with the community if anybody here doesn't have compassion for people who can no longer do things for themselves. She said she thinks it is horrible for someone to suggest cutting those services to save 2-cents. Ms. Granese said she thinks having the community vote is the best thing to do because she is looking at things differently now and isn't sure she wants 5 people making decisions for her day after day, year after year. She said it is a chance for people to get out and vote on how their money is spent and let the majority rule. Ms. Granese said she thinks it will take the pressure off the elected officials who have a tendency to be pressured by groups for this or that. She said she thinks the employees took a bad hit this year and that she doesn't want to see any employees laid off. She commented on hearing rumors and said she doesn't like it when she hears names of particular employees who certain people don't particularly care for and talk about the people being laid off. Ms. Granese said she thinks it's always last hired, first fired and that she will be very angry if she finds out anyone is pinpointed because of a personal dislike.

Mr. Cain said he respected Ms. Granese's comments regarding the seniors and it's important to say we are taking care of those who took care of us for so many years. He said he thinks it is important to note that this Committee is putting forth letting the public vote. He said this Committee has made more information available to the general public without OPRA requests than any other Committee in history. He said the Committee will continue to do that through the rest of this year and as long as it takes to get this under control. Mr. Cain said the members

listen and if they get an e-mail they respond, it may not be right away but they do response. He said he finds it frustrating as a business man that government moves slower than he is use to doing. Mr. Cain said he thought great strides were made tonight in the right direction.

Dr. Kesselman moved, seconded by Ms. Gatto, that the public hearing be closed.

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

Ms. Gatto moved, seconded by Mr. Palmentieri, that the following resolution be and is hereby adopted.

RESOLUTION AUTHORIZING LOCAL EXAMINATION OF THE MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Hamilton has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Hamilton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ROLL CALL: CAIN "YES"  
GATTO "YES"  
KESSELMAN "YES"  
PALMENTIERI "YES"  
SILVA "YES"

RESOLUTION ADOPTED APRIL 12, 2010.

April 12, 2010

Amending the School Deferral

Mr. Sasdelli explained this resolution is for an additional \$503,000.00 and it will amend the total deferral from \$500,000.00 to \$803,000.00.

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

TOWNSHIP OF HAMILTON  
RESOLUTION 2010  
A RESOLUTION TO DEFER SCHOOL TAXES FOR 2010

**WHEREAS**, New Jersey Law allows school taxes payable to be deferred to a maximum of 50% of the school levy; and

**WHEREAS**, the Township of Hamilton desires to defer \$503,000. of Local School Tax as of January 1, 2010,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hamilton, in the County of Atlantic, State of New Jersey as follows:

1. That the Township Committee, for the aforementioned reasons, hereby defers \$503,000.00 of Local School Tax as of January 1, 2010 with the understanding that if any of the amounts deferred is used to support the 2010 Local Municipal Budget, such amounts shall be charged to future operations as funds are available.

ROLL CALL: CAIN "YES"  
GATTO "YES"  
KESSELMAN "YES"  
PALMENTIERI "YES"  
SILVA "YES"

RESOLUTION ADOPTED APRIL 12, 2010.

Amendment to 2010 Budget

Mr. Palmentieri moved, seconded by Dr. Kesselman that the resolution to amend the 2010 Municipal Budget as set forth on the subsequent four (4) pages be and is hereby adopted.

RESOLUTION WAS ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

**RESOLUTION TO AMEND BUDGET**

**WHEREAS,** the local municipal budget for the year 2010 was approved on the 1st day of March, 2010 and  
**WHEREAS,** the public hearing on said budget has been held as advertised, and  
**WHEREAS,** it is desired to amend said approved budget, now  
**THEREFORE BE IT RESOLVED,** by the Township Committee of the Township of Hamilton, County of Atlantic  
that the following amendments to the approved budget of 2010 be made:

Recorded Vote	(CAIN)	Nays	Abstained
	(GATTO)		
Ayes	(KESSELMAN)		Absent
	(PALMENTIERI)		
	(SILVA)		

**CURRENT FUND:**

**ANTICIPATED REVENUES:**

	From	To	
1. Surplus Anticipated	2,300,000.00	2,803,000.00	503,000.00
Total Surplus Anticipated	2,300,000.00	2,803,000.00	503,000.00
			0.00
3. Miscellaneous Revenues			0.00
Section B: State Aid Without Offsetting Appropriations			0.00
Energy Receipts Tax	3,463,202.00	2,754,977.00	(708,225.00)
Pinelands Property Tax Stabilization Aid	94,713.00	0.00	(94,713.00)
Total Section B: State Aid Without Offsetting Appropriations	3,687,013.94	2,884,075.94	(802,938.00)
			0.00
Total Miscellaneous Revenues	6,507,162.54	5,704,224.54	(802,938.00)
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	9,407,162.54	9,107,224.54	(299,938.00)

6. Amount to be Raised by Taxes for Support of Municipal Budget			0.00
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	<u>17,173,971.24</u>	<u>17,173,971.24</u>	0.00
7. Total General Revenues	<u>26,581,133.78</u>	<u>26,281,195.78</u>	(299,938.00)

**ANTICIPATED APPROPRIATIONS:**

8. General Appropriations:			
a) Operations - within "CAPS"			
Township Administrator			0.00
Salaries and Wages	172,300.00	169,100.00	(3,200.00)
Human Resources			0.00
Salaries and Wages	44,800.00	44,000.00	(800.00)
Municipal Clerk			0.00
Salaries and Wages	186,600.00	183,000.00	(3,600.00)
Financial Administration			0.00
Salaries and Wages	237,200.00	233,400.00	(3,800.00)
Assessment of Taxes			0.00
Salaries and Wages	170,000.00	166,800.00	(3,200.00)
Collection of Taxes			0.00
Salaries and Wages	152,700.00	150,400.00	(2,300.00)
Planning Board			0.00
Salaries and Wages	190,100.00	186,300.00	(3,800.00)
Board of Adjustment			0.00
Salaries and Wages	98,100.00	97,000.00	(1,100.00)
Municipal Court			0.00
Salaries and Wages	513,100.00	505,500.00	(7,600.00)
Management Information Systems			0.00
Salaries and Wages	67,500.00	66,300.00	(1,200.00)
Police and Traffic Control			0.00
Salaries and Wages	6,318,900.00	6,101,187.00	(217,713.00)
Street and Road Maintenance			0.00
Salaries and Wages	1,385,000.00	1,360,300.00	(24,700.00)
Community Education/Recreation			0.00

Salaries and Wages	87,600.00	86,000.00	(1,600.00)
Social Services			0.00
Salaries and Wages	79,900.00	78,600.00	(1,300.00)
Construction Code Official			0.00
Salaries and Wages	311,600.00	307,200.00	(4,400.00)
Total Operations within "CAPS"	18,554,582.00	18,274,269.00	(280,313.00)
Total Operations Including Contingent - within "CAPS"	18,589,582.00	18,309,269.00	(280,313.00)
Detail: Salaries & Wages	10,205,500.00	9,925,187.00	(280,313.00)
Detail: Other Expenses	8,384,082.00	8,384,082.00	0.00
e) Deferred Charges & Statutory Expenditures - within "CAPS"			0.00
Public Employees Retirement System			0.00
Social Security	802,625.00	783,000.00	(19,625.00)
Total Deferred Charges & Statutory Expenditures - within "CAPS"	2,431,416.00	2,411,791.00	(19,625.00)
H-			
1 Total General Appropriations for Municipal Purposes within "CAPS"	21,020,998.00	20,721,060.00	(299,938.00)
1) Subtotal General Appropriations (Items (H-1) and (O))	25,398,016.00	25,098,078.00	(299,938.00)
M) Reserve for Uncollected Taxes	1,183,117.78	1,183,117.78	0.00
9. Total General Appropriations	<u>26,581,133.78</u>	<u>26,281,195.78</u>	(299,938.00)

**BE IT FURTHER RESOLVED,** that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that all additions and math in this amendment are correct.

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**Leon P. Costello, CPA, RMA**

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 12th day of April, 2010.

April 12, 2010

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the 2010 Municipal Budget be and is hereby adopted as amended.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

THE COMPLETE BUDGET AS FINALLY ADOPTED IS ON FILE AND AVAILABLE FOR PUBLIC REVIEW IN THE TOWNSHIP CLERK'S OFFICE.

There were no requests to make early public comment on agenda items not listed for public hearings.

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

BE IT RESOLVED by the township of the Township of Hamilton that the Solicitor is hereby authorized to prepare the necessary resolution permitting the issuance of a new Plenary Retail Distribution License.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES" ON ROLL CALL VOTE, NO "NO", NO "ABSTAIN"

Resolution opposing \$3.00 toll at Expressway Exit 17

Mayor Silva recused himself and left the dais due to his part-time employment with the South Jersey Transportation Authority at the Airport. He said he didn't think it would be appropriate for him to participate Deputy Mayor Cain presided until after the vote on the resolution was taken.

Mr. Palmentieri explained the Township was in discussion with the South Jersey Transportation Authority (SJTA) in 2004-2005 about building a full interchange at Exit 17 to relieve the traffic congestion at Exit 12 with people getting off to go to Laureldale or west into Mays Landing and beyond and for the regional and local traffic picture. He said the SJTA agreed it was something they wanted to do. Mr. Palmentieri said one of the things he brought up at the meetings then was the toll because SJTA wanted to charge the same amount for the whole length of the Expressway as was charged at Egg Harbor. He said it didn't make sense to charge the same amount to go from one side of the state to another as going from Atlantic City to Laureldale. Mr. Palmentieri explained the Township Committee passed a resolution in 2005 supporting the full interchange but strongly opposed what was then a \$2.00 toll. He said the interchange is about to open and the SJTA plans to have a \$3.00 toll which would render the benefits almost worthless because the price of daily commuting would be prohibitive. Mr. Palmentieri said this resolution says the Township Committee opposes the proposed \$3.00 toll and is requesting or suggesting something more appropriate like \$1.00 maximum. Ms. Gatto said she supported the resolution, especially as a Laureldale resident who wants to use that interchange. Mr. Palmentieri said he wants it to be affordable so it is successful for all the benefits to the Township as well as trying to get through his neighborhood at Exit 12.

Dr. Kesselman asked how they determine a toll rate. Mr. Sasdelli said he didn't know but they are a separate authority and they are probably required to have a public hearing, have a public notice period and then do what they need to do. Ms. Gatto said the SJTA was quoted in the news article about it that it was needed so the backers of the project would feel confident that they would get their money back at some point at a quick rate.

There being no further discussion, question or comments, Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

**RESOLUTION OPPOSING THE SOUTH JERSEY TRANSPORTATION AUTHORITY'S (SJTA'S) PROPOSED \$3.00 TOLL AT ATLANTIC CITY EXPRESSWAY EXIT 17**

WHEREAS, the South Jersey Transportation Authority has an obligation to be part of regional transportation solutions and economic development, as stated in its mission statement: "to provide the traveling public with safe and efficient transportation through the acquisition, construction, maintenance, operation, and support of expressway...and services that support the economies of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties" and

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WHEREAS, the full interchange at exit 17 is needed to provide regional traffic relief in Hamilton Township on Routes 40 and 322 and at exit 12 at Rt. 575 (Wrangleboro Rd); and

WHEREAS, on January 18, 2005, the Hamilton Township Committee unanimously adopted a resolution endorsing the construction of a full interchange at exit 17 for Rt. 50 in Hamilton Township; and

WHEREAS, the proposed \$3.00 toll at Exit 17 westbound will negate all the positive reasons for the construction of Exit 17, by making the exit far too expensive for daily commuting use and therefore rendering it of little value as part of a regional transportation asset,

THEREFORE, be it resolved that the Township Committee of the Township of Hamilton opposes a \$3.00 toll at Exit 17 and instead recommends a toll not to exceed \$1.00.

RESOLUTION ADOPTED WITH MEMBERS CAIN, GATTO, KESSELMAN AND PALMENTIERI VOTING "YES", NO "NAY", NO "ABSTAIN", MAYOR SILVA HAD RECUSED HIMSELF.

Rejection of Cove RFP submitted by Barbarito & Beyers Recreation Group, LLC

Mr. Sasdelli explained he deferred to the Solicitor because the Township requested that the vendor provide the insurance and take care of the trash. He explained that only one company submitted and they asked for both of those items to be waived because they wouldn't be able to do it and cover those costs. Mr. Sandman said that when the RFP and proposal were compared they are very substantially different. He explained if an RFP was put out that didn't require trash collection and insurance other people might have been enticed to bid. Mr. Sandman explained that if the Committee accepted the bid they would be giving an advantage to someone who bid on something other than what was proposed. Mr. Sandman said that as a matter of law he thought it had to be rejected. Ms. Gatto said the Public Works Subcommittee discussed it at their meeting and agreed with the Solicitor.

Mr. Cain moved, seconded by Dr. Kesselman, that the following resolution be and is hereby adopted.

WHEREAS, Barbarito & Beyers Recreation Group LLC submitted the only response received to the COVE BEACH OPERATION AND CONCESSIONAIRE RFP issued February 10, 2010 and duly advertised; and

WHEREAS, the RFP submitted by Barbarito & Beyers Recreation Group LLC was publicly opened by the Township Clerk in the presence of Edward Sasdelli, Township Administrator, Cynthia Lindsay, Deputy CFO, Mayor Roger Silva and Aline L. Dix, a resident, on Friday, March 19, 2010; and

WHEREAS, Barbarito & Beyers Recreation Group LLC took exceptions to the RFP requirements that are not permitted by law,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the RFP submitted by Barbarito & Beyers Recreation Group LLC be and is hereby rejected.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES" ON ROLL CALL VOTE, NO "NO", NO "ABSTAIN"

Mayor Silva explained that with the adoption of the 2010 Municipal Budget agenda item 9.B, the resolution to amend the 2010 Temporary Budget, was no longer needed and would be deleted from the consent agenda actions.

The Mayor asked if there were any basins involved in the performance guarantee reduction or maintenance guarantee release listed on the consent agenda. Mr. Smith said they weren't. He explained the basin in the Cedar Point project is in Phase I, the performance guarantee reduction was for Phase 2, and the maintenance guarantee release was for a piece of sidewalk at the Wawa store across from the Industrial Park.

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Mr. Palmentieri moved, seconded by Ms. Gatto, 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) VO Group, LLC - vacation ownership consultation business on Atlantic Avenue
- (2) International House of Cuts - hair products/styling business on Main Street
- (3) HH Gregg - electronics/appliance retail & services in Hamilton Commons
- (4) Déjà vu Cosmetics - cosmetics retail sales in Hamilton Mall

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the N. J. Division of Alcoholic Beverage Control issuing a special permit to Cologne Volunteer Fire Company for their annual BBQ to be held on June 5, 2010 from noon to 10PM with beer only to be dispensed.

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

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

WHEREAS, N.J.D.O.T. Bureau of Traffic Engineering and Investigations has completed an investigation and recommended revision of the centerline pavement markings along NJ Route 50 to create a No Passing Zones in the vicinity of Mile Post 21.6 (Cedar Avenue) in Atlantic County; and

WHEREAS, pursuant to N.J.S.A. 39:4-8.4c a resolution of support is required from the municipality for the promulgation of a Traffic Regulation Order to legally establish a No Passing Zones; and

WHEREAS, the Township of Hamilton's Chief of Police has advised the Township Administrator that there is no objection to the N.J.D.O.T. proposal,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that it does hereby concur with and support the establishment of a No Passing Zone along NJ Route 50 in the vicinity of Mile Post 21.6 (Cedar Avenue) in Atlantic County.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the N.J.D.O.T.

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,  
TO REFUND A TAX PAYMENT

WHEREAS, there appears that a payment was received on Block 997 Lot 27 C0109 in the amount of \$231.43 in payment of first quarter 2010 property taxes; and

WHEREAS, this payment was an erroneous payment as the block and lot number was incorrect and the Mortgage Company who made the payment, BAC Tax Services Corporation, is requesting a refund; and

WHEREAS, a credit does exist in this amount on this Block and Lot and therefore should be refunded,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the duplicate payment mentioned above be refunded.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to reduce Fidelity & Deposit Company of Maryland bond #08821766, the performance guarantee for U. S. Homes/Lennar Cedar Point project (formerly Adams Branch) from \$367,992.20 to \$221,599.55 as recommended by Robert J. Smith III, Township Engineer, in letter dated March 9, 2010.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Chief Financial Officer is hereby authorized to release the \$2,456.50 being held in escrow as a sidewalk maintenance guarantee for Wawa Store #925 as recommended by Robert J. Smith III, Township Engineer, in letter dated April 7, 2010.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the County of Atlantic approval and/or issuance of a permit to the Weymouth Volunteer Fire Company for coin drops to be held on CR 559 just south of the Black Horse Pike intersection on Friday, July 23, 2010 (rain date Friday, July 31, 2010 and on Friday, August 20, 2010 (with rain date Friday, August 27, 2010).

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby approve the Atlantic County Institute request for permission to use various streets in the Hamilton Township Industrial/Business Park from 9a.m. to 9:30a.m. on Saturday, April 24, 2010 for its 9<sup>th</sup> annual Hotcakes 5K Run and 1 mile walk (no municipal services required).

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

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Christopher Taylor and Anthony Paone, Jr., are hereby appointed Fire Police for the Cologne Volunteer Fire Company for a 5-year term effective April 13, 2010 through April 12, 2015 as recommended by its Chief.

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

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Lawrence Murray, Sr., is hereby appointed Fire Police for the Laureldale Volunteer Fire Company for a 5-year term effective April 13, 2010 through April 12, 2015 as recommended by its Chief.

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

Appointment of part-time Police Records Clerks

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that Madeline Neumann and Maria Carey are hereby appointed part-time Police Records Clerks at \$13.85 per hour, not to exceed 20 hours per week, with actual starting dates to be determined by the Chief of Police.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the March 15, 2010 regular meeting be and are hereby approved and adopted as published.

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

Mr. Palmentieri moved, seconded by Ms. Gatto, 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 \$3,257,379.79 as of April 7, 2010.

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

### Reports

Mr. Sasdelli announced FEMA is setting up a center in Belcoville for residents who had property damage during the recent storms to apply for assistance. Ms. Gatto said Mr. Mangels told her that he applied and got a check in two days and that he also got something from his homeowners insurance.

Mr. Smith reported some of the stormwater basins are starting to come down with the better, warmer weather. He reported he met with the Wexford Lane developer after the last meeting. Mr. Smith said the developer pumped some of the affected residents' yards and the basin. He said he thought Mrs. Degennaro had no water in her yard now. Mr. Smith said the level in the basin is about 10" below grade; they will stay on top of it; and if necessary the developer will mobilize the pump equipment again to prevent outflow of the water onto Ashland Avenue properties. Mayor Silva asked if the developer gave any indication what he will do after the water dissipates. Mr. Smith said the developer has to go out and see what he is dealing with and basically has to restore the basin to its design function. He said they want to prevent another situation where there is an overflow onto the Ashland Avenue residents' property.

Mr. Smith reported there were e-mails regarding to some basins at Victoria Pointe and most recently the two basins in front of the project overflowed onto West Jersey Avenue. He said the developer pumped them and did some excavations in the ones along Deerfield Drive. Mr. Smith said he guessed the previous work was not done sufficiently and that there is silt and debris that they have to get out to have the smaller one to function properly. He commented on some modifications being needed to the basin and that the problem is the inlet on West Jersey Avenue is lower than the overflow structure. Mr. Smith said the developer is going to get out there in the next couple of weeks and start remedial work on those basins and has indicated that he will also be doing remedial work on the basins behind Fox Hollow Drive. Mr. Smith said the developer has a plan; has done some test excavations; and will continue to remediate them.

Mr. Smith reported the Hamilton Walk basins are still up and the water elevation is right at the inlet grates on Lahn Lane. He said there is no water coming from Timber Glen and the level of those basins has dropped significantly. Mr. Smith said the developer indicated they are monitoring the levels and that they will get into the area behind the tennis courts and get the accumulated silt, sediment and debris out as soon as the level drops a little more. He said hopefully that will help regulate the level of the lake. Ms. Gatto asked if that will fix the problem. Mr. Smith said it is their first step to fixing it and they feel that if they are able to remediate the infiltration area behind the tennis courts it will hold the level of the lakes. He said he isn't sure it will and it will be an ongoing trial and error process; if that doesn't work they will have to initiate other measures to assure Hamilton Walk residents don't get impacted by their storm water. He said getting the infiltration area to work is the first logical step. Ms. Gatto said the error part is at the expense of the residents of Hamilton Walk. Mr. Palmentieri said what was thought to be a condition leading to the Hamilton Walk flooding has changed or it wasn't as big a factor as was initially thought. He said during the last rain event when the pipe under the expressway was dammed up Timber Glen cleared up much quicker than Hamilton Walk without that outfall. Mr. Palmentieri said one street in Hamilton Walk just cleared up and Falcon Court in Timber Glen was clear several days before Hamilton Walk was. He said there now seems to be less functioning of the Hamilton Walk basin independent of the contribution from Timber Glen. Mr. Smith explained the barricade across the pipe isn't a complete seal and water still gets in but it could be that the Hamilton Walk basin was overtaxed and is taking longer to drain. He said Public Works has done some remedial work there that is helping but they have to wait to see what the

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final resolution of the Timber Glen issue is to see how the Hamilton Walk basin functions without the Timber Glen impact. Mr. Sasdelli said that is why the Township put the wicks in. He said the Township also knows they have to do some additional work on the Hamilton Walk side which the Township owns but it has to be dewatered before they can get in to do it. Mr. Sasdelli said some of it came from the (Race) Track. Mr. Cain said there is no doubt oversaturation in Timber Glen is one of the things that caused and continues to cause the problem in Hamilton Walk. He said it is the same thing at Ashland Avenue. Mr. Cain asked if there are performance bonds in place on all the basins. Mr. Smith said there are for Timber Glen, Wexford Lane, Victoria Pointe, Hamilton Commons, and that there are performance or maintenance bonds in place for almost all the problem basins except Hamilton Walk which the Township owns. Mr. Cain said he believes that the Committee has to turn its attention to this now that the budget is adopted. He commented on repeatedly hearing the term "silt" and said that means maintenance to him. Mr. Cain said the Township has to find a way to compel those individuals to get these things done quickly. He said he thinks the Township has to move as quickly as it can to pursue what was started and bring it to an end. Mr. Cain commented on being appalled at pictures he received from a Hamilton Walk resident and that Mr. Mangels has been speaking about it for many meetings. He said it was discouraging to hear the Engineer say "in the coming weeks" especially with Timber Glen. Mr. Cain said the Township should be compelling them to be out there doing something now if it isn't under water. He said he wants basins made the top priority now that the budget is adopted. Mayor Silva said the Committee has the list of the top ten and that is the direction they will start moving in. He said some money was put aside to look at some of it. Mayor Silva said he thought that from conversations with the Solicitor there are other remedies available if the performance or maintenance guarantees were not there and the Committee isn't averse to using them. The Mayor said he agreed with Mr. Cain and that is why the Committee was focusing on it and why they made it their second priority.

Ms. Gatto said sitting water that has nothing to do with basins is visible along the road side and in yards on Route 50 Route 40 in the Mizpah area. She said she was concerned that the roots would rot and the trees would fall into the roadway or houses. Ms. Gatto said it seemed like a growing safety issue to her and asked if there was any indication when the water would go down. Mr. Smith said trees have already started to fall because the soil can't maintain the root systems. He said the problem is what to do with the water. Mr. Smith said that is what he wanted to say to Mr. Cain, the basin has to be dry before they can go in and get the unsuitable material out. He said they would do more harm than good if they went in when the basin was wet and soggy. Mr. Cain said he thought Mr. Smith said there was an area near it the basin that they would excavate to relieve the basin. Mr. Smith said they did that at Timber Glen but didn't have much success and they asked if they could pump it out into the pipe leading to Hamilton Walk and the Township said "no". Mr. Smith they suggested possibly pumping from Phases 1 and 2 in front of the project into the Race Track. Mr. Palmentieri said the basin down stream seemed low. Mr. Smith said all the basins at Timber Glen are interconnected. Mr. Palmentieri questioned the possibility of closing it off and pumping it out over ground. Mr. Smith explained they would have to have pump it into a truck and have a disposal site for it. He said they had talked about that with the Wexford Lane basin. Mr. Cain said he appreciates Mr. Smith's proactive approach to this matter and that it is obvious he takes the Township Committee's concerns seriously. He said the Committee isn't going to stop until something is done about it. Mr. Smith said he won't either.

Mr. Smith reported speaking to the owner of Hamilton Commons today and said he has a plan to interconnect some of the basins that he wants to implement. He said the owner is working with D.O.T., the Pinelands Commission and the Planning Board Engineer to do some modifications to his design to alleviate the problem. Mr. Smith said they are very proactive and any time there is a storm event they mobilize a pump and he believes they got approval from D.O.T. to pump it into the inlet that goes under 322 and runs into Gravelly Run. Mr. Cain commented on that being necessary but he made his feelings clear to Mr. Smith that it is not a permanent fix. Mr. Smith said he brought it up to their design engineer because it was an issue at the Planning Board. He said it isn't permanent, it is only to prevent that intersection from flooding and having to close the road down. Mr. Palmentieri said it is a shame they can't put it into the huge one behind the complex. Mr. Smith said that one isn't functioning too well either. Mr. Cain said there was discussion at the Planning Board that the failure of the basin was due to lack of maintenance.

Mr. Cain said he believed Mr. Noll looked at the Ashland Avenue storm drains and said there are things the township can do. Mr. Sasdelli said Mr. Morley had the Division Chief look at the inlets and they believe there are things the Township can do within the Township right-of-way to keep the water from laying on the road. He said there is already a work order for it and it will be done as soon as they can get to it.

Mr. Palmentieri thanked the Members of the Budget Committee for their hard work, discussions, tough decisions, and good recommendations to the overall Committee. He thanked the employees for their cooperation, for coming through, and for showing the quality of people the Committee knows they are.

Ms. Gatto reminded the public that Census paperwork is due and encouraged them to fill it out. She said it impacts the municipal aid the Township gets.

Mayor Silva said the work doesn't stop because the budget was passed, it has begun. He said he agrees there was a lot of cooperation. Mayor Silva said there are positive and negative feelings about different things but he hopes it ultimately serves the public well.

#### Public Comment

Russell Bongiovanni, Sr., Fox Hollow Drive, commented on a document he came across today between the Township and the developer of Victoria Pointe that gives guidelines for maintenance and service of the retention basins. He said that when he showed it to the builder's representative/supervisor, he said he never saw it. Mr. Bongiovanni explained the document says the builder is supposed to do 3 inspections a year and whenever there is 2" of rain within 24 hours; that a detailed log report is supposed to be submitted to the Township Engineer by January 31 each year; and if it isn't received the Township Engineer is supposed to notify the developer that they have 10 days to submit it or the Township will go in, do the inspections at the developer's expense. He said that isn't being done and asked why the Township isn't doing anything about it. Mr. Bongiovanni said the developer pumped all the water out of the basin in front of Victoria Ponte into the storm drain system then it rained again and there has been about 2" of water in the bottom of it for about 10 days. Mr. Bongiovanni said the water in the basin behind his back yard has never been 2' below the top; the builder made a trench in the side of the basin about 1½ years ago; drained the water into a neighbor's yard; put a 20" to 25" storm drain at the bottom of the basin, covered it up and said it is perking. He said the Township did make him fill it back up. He questioned why the Township isn't demanding the reports that are required by the declarations filed with the County Clerk from every development. He said it would have documented the problem a long time ago and by having that information the Planning Board could have and should have made different decisions. Mr. Bongiovanni said he wants to know what the bonds to cover all of this are because, as a homeowner, he is concerned that if the builder sells out in 2 or 3 years and there is a 12'-15' layer of clay that has to be dug out and refilled with some other soil, it could cost \$1 million and that would be a pretty heavy assessment on 280 home owners. Mr. Cain said the Committee appreciated Mr. Bongiovanni bringing this to their attention and that it is part of what they need to address and discuss as they move forward. He commented on seeing 2 members of the Planning Board Site Plan Committee in the audience and said they will be meeting with Mr. Cheek before the Planning Board meeting on Thursday to discuss the issue from a planning standpoint. He said he agreed with Mr. Bongiovanni that if the problems can be identified things can be done differently from a planning standpoint and they can stop handing out variances and waivers. Mr. Bongiovanni asked why the Township can't start enforcing it tomorrow. Mr. Sandman said he was authorized by the Township Committee at the last meeting to begin the process of researching those documents and other documents and to work with Mr. Smith, Mr. Sasdelli and Mr. Morley to come up with the first phase of the analysis. He asked what it said at the top of the documents he had. Mr. Bongiovanni read *Declaration of Covenants and Restrictions for Drainage Structures, Major Subdivision*. Mr. Sandman said it is a recorded document that has been around for 10 years and runs with the land. He said he will be in a position to give the Committee his preliminary opinion with respect to that very soon and will leave whether it is done privately or publicly to the governing body but it normally is done in executive session. Mr. Palmentieri said they might want to do it in executive session first due to the potential litigation that may result from it. Mr. Bongiovanni said the good news is that document says the Township won't accept the streets unless this is taken care of. Mr. Cain said the Committee asked for the developments that aren't fully built out where basins are failing to be looked into. Mr. Smith said the problems with Victoria Pointe have been well documented; that the developer has been doing work all along; that the developer has been relatively cooperative in instituting measures as they go; and he foresees them continuing to be cooperative. Mr. Smith said they wouldn't have put a basin bottom if there was 15' of clay at the bottom when they did the test borings. He explained they will have to do test pits at the bottom of the basins when they dry out and if there is something that has to be removed, they will have to do it and replace it with suitable material. Mr. Smith said there are bonds on every phase in Victoria Pointe and the performance bonds won't be released until all the basins are working properly. He explained a basin has to drain out within 72 hours of a rain event to be functioning properly and the performance guarantee won't be released if it doesn't. Mr. Smith explained the Committee is defacto accepting the streets when they vote to release a performance guarantee. He said that no matter

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much work is done 30% of the original performance guarantee is always held until the final release is approved. Mr. Cain said there is a possibility some of the basins will never dry out and asked if Mr. Smith was saying technology doesn't exist for the Township to move forward and determine a resolution prior to it drying out. Mr. Smith explained it is allowed to get down to a certain level, then it is pumped out and allowed to dry. Mayor Silva said sand for a small septic system costs \$1,000.00 a foot and commented on imagining the cost for removing and replacing the whole length of the basin at Victoria Ponte or the one the people on Ashland Avenue are talking about. Mr. Smith said he won't know what the problem at Wexford Lane is until the basin is drained. He said one of the problem is leaves, brush and silt that all have to be cleaned out and then they can assess the function of the basin and the materials. Mr. Palmentieri asked if Mr. Smith knew how high the water table in that area normally is. Mr. Smith said normally the bottom (of the basin) has to be 2' above seasonal high ground water but the documentation out there right now is that ground water is 2½ to 3 feet above sea water so some of them are filling up with ground water. He said they did testing at one of the ones at Victoria Pointe and didn't hit water so it is a soil issue, not ground water. Mayor Silva said as the development gets built out and there are more homes there will be more water will be going into the basins.

Mrs. Oliver thanked the Weymouth Fire Company and Township Police for their help with the water damage at their home. She said they have been under water for the past month. Mrs. Oliver said there is a plate on a drain on her street that says it drains to the river. She commented on having called about it several times and said Public Works told them that it doesn't drain to the river. She said it has never been empty and when it rains it floods her front yard. Mrs. Oliver said the water was up to her front door and in her basement with all the rain and snow this year. She said questioned why a drain couldn't be put in directly across from Hemlock Court which is where they have been pumping the water to and why a drain wasn't put at the end of the cul-de-sac and drained into the river. She commented on white lines being sprayed on the road and being told a drain is going to be on that side of the road. She said that won't do anything and will flood her yard again. Mr. Morley commented on the Division Chief having been out to Driftwood Lane several times. Mr. Sasdelli said there are stream discharge rules and suggested Mrs. Oliver speak with Mr. Morley in the atrium. Mr. Smith explained the new State regulations require a plate saying it drains to a waterway or lake for public awareness purposes because you aren't supposed to discharge oil or anything like that into it but that doesn't mean it is going directly into a lake or river. Mrs. Oliver asked if anything could be done about the mosquitoes that are breeding in the standing water. Mayor Silva said he thinks the County is aware of what the issues are going to be this year and that he has seen a truck out already surveying areas. Mr. Sasdelli said it is the Mosquito Control Commission and it is not part of municipal government but the Township can make sure they are aware her area is in need.

Kevin Mattson, 605 Ashland Avenue, said the overflow pipe from the basin at Wexford Lane goes under two vacant lots that are still owned by the developer and that is where the water came from that flooded homes on Ashland Avenue. Mr. Mattson commented damages done to some of the homes and said one neighbor will probably have to rebuild her home because of the damages. He said the developer did provide a pump that ran on his property for 3 days but there was still water on the property after 12 hours of pumping because they were only pulling water from the outflow pipe. Mr. Mattson said the developer took the pump to the basin, pumped from March 24<sup>th</sup> to April 5<sup>th</sup>, but the basin is still pretty much full and has been since August 2009. He said what gets the Ashland Avenue residents is that the overflow pipe went through a design engineer, a consulting engineer, a Planning Board engineer, was ultimately signed off on by the Planning Board and in essence points a cannon full of water towards pre-existing homes. Mr. Mattson commented on some Ashland Avenue residents having been there 15 or 16 years. He said he will never understand why that was allowed to happen and it is something the residents are working on. Mr. Mattson said it is a continuous pipe that runs underground from the basin under two lots and Wexford Lane, to almost where the developer's property ends and Clara Trapani's property begins. He said the land slopes downward from Wexford Lane and the Ashland Avenue residents are getting all the water by design. Mr. Mattson said he wrote a letter to the Township on March 30<sup>th</sup> stipulating he feels the leverage they have is that there are still 2 lots to be built on. He said he feels the overflow pipe has to be moved. Mr. Mattson said they just want the Wexford Lane residents to take responsibility for their basin. Mayor Silva asked if all of the homes that are built there drain into the basin. Mr. Mattson said they do and that the drain at the corner of Wexford Lane and Somers Point Road also drains into the basin. He said they are trying to find out through the OPRA Law why it was designed and approved that way. Mr. Mattson said the Township has been very good and given them everything they asked for but they don't always knowing what to ask for. The Mayor said that at this juncture Mr. Mattson feels that if the problem isn't corrected they will face the issue every time there is a heavy rainfall. Mr. Mattson said by his calculations it took 5 years for the basin to over flow and it will happen again in 5 years. He said it will be a problem for the Ashland Avenue

residents when they go to resell their homes. In response to Mr. Palmentieri's question on when Wexford Lane was approved, Mr. Smith said it started the last part of 2004 as Select Construction. The Mayor said he never remembered water being there. Mr. Sasdelli commented on not knowing what the document Mr. Bongiovanni referred to was but the Solicitor and Engineer did. He explained a meeting is set up between himself, Mr. Sandman, Mr. Smith, and Mr. Morley because they want to bring an action plan to the governing body as to what the declarations and covenants allow them to do. Mayor Silva questioned the possibility of holding up building permits for the two vacant lots. Mr. Sandman said he would give the Committee that information in executive session because of the potential for litigation somewhere down the line. He said he has read the declaration; is aware of what it says; it is enforceable but he can't tell the Committee to what level until his research is done. Mr. Sandman said there is a performance bond in effect on Wexford Lane that is in a significant amount but he can't tell if it is enough to remedy the problem because he doesn't know what the cure is. He told Mrs. Degenarro and Mr. Mattson that in addition to what the Township can do, there are civil remedies available to them and he suggested they get legal advice. Mr. Sandman explained his obligation is to guide his client (the Township Committee) on how to do what the document says they have a right to do and that is where they are going. He said he doesn't know if that means removing the pipe. Mr. Sandman said they can seek monetary damages for their losses. Mrs. Degenarro commented on being told by one company that it will cost \$30,000.00 just to get the sewage out of her house and said she submitted the claim but the insurance company said it was a flood and it wasn't covered. She said the problem is that Mr. Lombardo says it is the engineer's fault and the engineer says it isn't. Mrs. Degenarro said she did contact an attorney who is willing to represent all of the residents but he needs paperwork from an engineer and believes they could use an hydrologist. She commented on having called many engineers but they don't want to bite the hand that feeds them they will not go against anyone in Atlantic County. Mr. Palmentieri suggested going further away. Mrs. Degenarro said she went to Cherry Hill and they won't do it either. Mr. Smith explained the Township doesn't approve the design, it is reviewed by the Planning Board Engineer. He said the Township Engineer's approval comes in the form of a performance guarantee release when everything is done and working properly. Mr. Smith explained the things that have to be determine are (1) whether it was designed properly and in accordance with the Ordinance and he assumed it was or the Planning Board Engineer wouldn't have signed off on it; (2) whether it was constructed properly, whether the elevation and overflow elevation are right; and (3) what kind of material is under the basin and if it is suitable to support the inflow of water. He said the overflow pipe can't be removed because the basin is designed for a certain amount of relief. Mr. Smith said he thought Mr. Mattson had OPRA requested the drainage plans that show the way the land slopes and where the water goes before the development is built and after the project is built the flow has to go to the same place as it did pre-development but the speed and volume at which it goes off site has to be reduced to meet the ordinance requirements. He said the basin needs positive relief, somewhere to go that follows natural drainage contours. Mr. Smith explained said there was an inordinate amount of water overflow because the basin wasn't functioning properly.

Mayor Silva said a lot of forces were involved in this in pinpointing the problem; the residents have demonstrated that they know where the issue is; and the Committee will take the Solicitor's advice and deal with it. The Mayor said the residents can exercise whatever remedies are available to them on the outside. Mr. Mattson asked who to call right now to tell them the basin hasn't drained since August and what can be done right now. Mr. Sandman explained the residents brought this to the governing body's attention at the last meeting and said it is an unusual occurrence based on the volume of snow melt, water and natural conditions. He explained the governing body will discuss it with him and the engineer to come up with a plan of attack but they haven't had to do that before because it is new and unusual. Mr. Sandman said Mr. Mattson did his job by putting the Township on notice of an issue. He explained the governing body has asked him to render an opinion on how they can start to require maintenance on all of the basins and he will probably be in a position to give it to them after the next meeting. He said he thought some activity would be authorized within 30 days; the property owner will probably have to be notified and given a period of time in which to conduct an investigation and give the township a report; Mr. Smith will analyze the report and he will provide information to the governing body; the property owner would be allowed an opportunity to take care of the problem; and if they don't act in the specified amount of time the governing body will direct the solicitor to do something.

John Pucci commented on the April 1<sup>st</sup> Planning Board meeting being cancelled because there were no applications. He commented on being a member of that Board for 7 years and having made changes in the Land Use Law by being proactive and bringing things to the attention of the Township Committee and the Committee taking action on them. He suggested Dr. Kesselman and Mr. Cain put together a white paper or plan for the Planning and Zoning Boards for actual planning so they can look at some of these issues and the Land Use Law and maybe make changes in the Land Use Law for assistance in the future. Dr. Kesselman said it is important to recognize

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that the appointments to some Boards that were unanimously approved by the Township Committee in January included pretty sophisticated engineers so there are people on the boards that are raising the appropriate questions and are vigilant with respect to the same issues that got him and Mr. Cain involved when they saw too many variances and waivers being granted by various boards and weren't happy about it. Dr. Kesselman said as a result a bipartisan decision was made to appoint the best people possible to the Boards who would be as vigilant with respect to any projects that come forth. He said that is the first step in the white paper process and he is very confident right now that the kind of people on the Boards will raise the kinds of questions that need to be raised and the kinds of developments in town will be positive ones. Mr. Cain said that is why the subcommittee is meeting prior to the regular Planning Board meeting on Thursday to specifically discuss drainage issues and how to better advise the Board. Mr. Pucci said that all sounds good but he thinks there are other things the Boards can do than hear applications and cancel meetings. Mr. Cain said the Township Committee is trying to balance services and taxes and his recommendation would be to reduce the Planning Board to meeting once a month to save costs. He said the governing body will make the decisions on what happens in Hamilton Township and give that direction to site plan committees and ask them for their assistance. Mr. Cain said that is what subcommittees are for so they don't need to spend more taxpayer dollars to have a meeting of the entire Board that can't make the decisions and can only make recommendations to sit and discuss it. Mr. Pucci said there is a Master Plan Review in 2012 that reviews everything in the entire Township and these things could be being looked at up until then.

Mr. Pucci said he understood there have been some meetings on the discharge of weapons ordinance and that there is going to be another meeting. Mr. Sandman explained there was a meeting; a preliminary proposal was forwarded to the subcommittee group; there are alternatives in it that need to be discussed and he envisions there will be another meeting.

Mr. Pucci asked if there was any movement on the issue he brought up about people bypassing the light at the intersection of Cologne and Route 40. He said he understood the County was going to be contacted to put up some barriers to prevent it. Mr. Sasdelli explained that what he said was that the Township would increase enforcement at the intersection and notify the County. He said enforcement was increased. He said he never promised the Township would put up reflectors or barriers there. Mr. Pucci said he agreed with what Mr. Sasdelli said and asked if there was any response from the County. Mayor Silva asked Mr. Sasdelli to follow up on it.

Mr. Pucci said he appreciated and thanked whoever was involved in putting the community news letter on the website. Ms. Gatto said Sue Giberson does it every quarter.

There being no further comments from the public, Mr. Cain moved, seconded by Mr. Palmentieri, that the public comment portion be closed.

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

Ms. Gatto moved, seconded by Mr. Palmentieri, that this meeting be and is hereby 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