

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
AUGUST 1, 2011

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Amy Gatto presiding. Members present were Charles Cain Jr., Dr. Harvey Kesselman, Thomas Palmentieri and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, August 1, 2011 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss Pending/Potential Litigation is exempt from public discussion pursuant to the New Jersey Open Meetings Law.

BE IT FURTHER RESOLVED that the governing body will reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken tonight on the matters discussed.

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

The governing body reconvened in public session at approximately 6:40 p.m. There were no executive session confirmations to be made.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Item 5.D (1), Eric Barking request for film production approval for The Original Wild West Show be and is hereby deleted from the agenda.

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

- 8.A Insert name of business: A T & T, the Wireless Experience - cell phones & accessories store in Hamilton Mall.
- 8.H Authorize renewal of inactive Liquor License #0112-33-007-003, the Clubhouse at Hamilton, LLC for the 2011-2012 license year pursuant To Div. of A.B.C. Special Ruling Docket #06-11-6978 dated 7/25/11.
- 8.I Accept \$4,602.60 Travelers Casualty & Surety Co. of America bond #105527195 as maintenance guarantee for Capital Telecom Acquisition, LLC - cell tower behind town hall.
- 8.J Accept \$2,890,482.25 Fidelity & Deposit Co. of Maryland bond #09046932 TR #8097 as performance guarantee for Wal-Mart Store #2108 site improvements (Block 1134/Lot 9).

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

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Early public comment on agenda items not listed for public hearing:

John Kurtz thanked the Committee and Mr. Cain in particular for having the Gaskill Park Agreement and Zoning amendment for parking in the Village Commercial District on the agenda. He commented on the Gaskill Park triangle being the first impression people get when coming into town and on there sometimes being as many as 12-15 signs there. Mr. Kurtz commented on the Historic Commission surveying and identifying approximately 500 parking spots available in the Historic District 6-8 years ago. He commented on the possibility of drawing on them to benefit new businesses that want to come in and utilize the shared parking concept in order to get the approvals they need and to keep the businesses in town. Mr. Kurtz commented on businesses he thought were valid and would be an asset to the community and Main Street being turned away lately because of parking issues. He said he thinks the shared parking will be a big plus. Mr. Jacobs explained one part of the parking Ordinance is the existing sharing and the other is the ability to use the county public lots. He asked if Mr. Kurtz had looked at it and if it seemed to be workable. Mr. Kurtz said it was.

Nicholas Erman, 4 Brewster Drive, said he moved here in November and that his experience with the representative for Foxmoor Homes wasn't pleasant. He explained he and William Galletta, 16 Brewster Drive, were present to talk about the (drainage) basin. Mr. Erman said they believe the road and basin go hand in hand because of drainage that pools onto Mr. Galletta's property at the end of the cul-de-sac whenever there is even a small amount of rain. He said they believe the pipe leading to the basin is also clogged. Mr. Erman said the grass is about 7' high and the residents have been trying to maintain the property. He explained they aren't an Association because the property hasn't been turned over to them yet because there are 3 unfinished houses. Mr. Erman said they are asking for the Township Committee to help the residents with the basin and have the road finished. He said Foxmoor didn't plow Brewster Drive during the winter and the residents had to pay a private company to do it. Mr. Silva said he and the Administrator were there on Thursday and there are trees growing in the basin and it doesn't look like any work has been done there in years. He commented on the subdivision having a lot of promise when it first started and said there are a lot of nice homes there. Mr. Silva commented on the Committee's serious concern about the basin and said the boarded up homes and basin that isn't functioning are only going to lead to trouble for everybody. Mayor Gatto said the integrity of neighborhoods and basins have been a priority for all of the Committee Members. She said it is unfortunate that this isn't the first time the Committee had to deal with the issue in the past couple of years. The Mayor said she reached out to Mr. Erman to let him know the Committee would probably be doing testimony tonight on this week's findings because he had brought the issue to her. Mr. Erman asked if there was an ordinance whereby the Township could charge Foxmoor for maintaining along Reega Avenue. The Mayor explained there is a property maintenance ordinance that she thinks the Committee could leverage if they were aware of a potential Code Violation. Mr. Erman said he would file whatever is necessary against (Foxmoor) as a resident. Mayor Gatto explained the matter will be discussed in more detail later in the meeting and said Mr. Erman's comments were now on the record also.

Fleet Maintenance & Management Services Bid #2011-03:

Mayor Gatto explained this was put out bid and the Committee has until August 8<sup>th</sup> to make a decision on it. She explained she and Mr. Palmentieri spent a lot of time talking with the Public Works leadership, Mr. Jacobs, the Finance people, and collected all kinds of information in order to make the best decision possible and provide the right services for the residents using the resources they have.

Mr. Jacobs explained he put together a power point presentation to give an overview of the thought process involved because he didn't think he could explain all of it verbally. The presentation was video taped and will be posted on the Township Website; a hard copy is available for review in the Township Clerk's Office. Mr. Jacobs commented on over two months of research being done since the bids were opened and that the concept that the Township should consider outsourcing this rather than doing it in-house actually occurred a couple of years ago and before the layoffs took place. Mr. Jacobs said one of the things taken very seriously was whether there was a way to do it without any additional layoffs. Mr. Jacobs said it is a 2-year and 4-month contract that he is projecting will start September 1<sup>st</sup> but may not start until October; that based on the monthly amount it comes to \$154,000.00 for the balance of this year; \$438,000.00 in 2012; and \$450,000.00 in 2013. Mr. Jacobs explained the company would take over the existing garage with a \$1.00 per year lease and they will pick up the \$16,000.00 year utilities costs. He said the Township has more than enough money to cover it for the last four months of this year. Mr. Jacobs explained there is an item on the agenda later that will eliminate 29 vehicles and some other equipment from the contract. He read a list vehicles or equipment included in the contract and said it takes into consideration repair and routine maintenance on all of them. He explained the maintenance of the recreation facilities and janitorial services will be done with the Township's own labor rather than outsourcing them. Mayor Gatto said the Township budget would cover the cost assuming the scheduled retirement takes place otherwise there is a potential layoff; the parks and recreation services would be maintained in house rather than negotiating with the volunteers for them to do it. Mr. Jacobs explained the company is willing to interview the Township's two current mechanics and consider them for the positions; if they decide not to go there, the Township will make Truck Driver/Laborer positions available to them and their salary will be slightly lower because it is set by contract. He explained having those two positions available will allow the Township to continue and do a better job of mowing the parks instead of shifting that responsibility to the volunteers and will allow the janitorial services to be handled in house. Mr. Jacobs commented on time being a benefit of the contract because no matter how many vehicles break down, the company has to repair it in a timely fashion; the Township maintenance would no longer be affected by vacations, sick leave or injuries. He said another savings benefit is that there will be two additional people that could plow snow if needed. Mr. Jacobs said the only thing the Township can't match is the company's buying power for parts which is between \$100,000.00 and \$150,000.00 a year. He said supervision is difficult without having a shop supervisor or service manager and this will give the Township more flexibility and a significant savings.

Mayor Gatto said the Township has very dedicated and good employees; they have been through a lot of this year; that the Committee values them; and that she and Mr. Palmentieri didn't want to see the dust shaken up again but the Committee needed to honor their commitment to the residents of looking for solutions; out of the box thinking in terms of the budget; finding the best value for services; and providing the services well. Mr. Palmentieri said they spent the last month trying to find a way to realize the savings while not laying anybody off. He said he thinks it is a win-win situation that serves everybody well because the Township realizes the savings with no layoffs, increased manpower flexibility manpower where needed and vehicle maintenance flexibility when needed.

Mr. Silva asked if it would impact the insurance liability premium. Mr. Jacobs said he didn't know about the premium but is sure it will lower the experience rates the following year. Mr. Silva asked if the company would have an opportunity to buy the Township's current parts inventory. Mr. Jacobs said he understands that they will look at the inventory; decide what they want to purchase; and the Committee will get a list of whatever is left over for sale. Mr. Silva asked about shop equipment. Mr. Jacobs said they will utilize all of the

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Township's larger shop equipment but he isn't sure about the hand tools. Mr. Silva referred to the amount of their insurance and asked if it was run past JIF. Mr. Jacobs said it was. He said the company has been doing the same services in Galloway Township since 1991 and Galloway believes they saved millions of dollars and that the company has been responsive. The Mayor commented on Ingrid checking for a spike in costs after the first year and found that wasn't the case. Mr. Jacobs explained the initial contract is for 2½ years but there are already quotes for 2014 and 2015 in the proposal so if it is extended the cost is already known. Mr. Palmentieri said it is a sizeable company that has been around for a long time and will probably be around for a number of years to come.

Mr. Cain said he thinks continual shifts to this type of service will be seen in other municipalities. He said he was impressed with the effort; how well thought out it is; and he thinks it goes a long way towards fulfilling the commitment to look for increased efficiencies throughout the year, not just during the budget. He commented on an unintended savings in the cost of maintaining special equipment that has to be purchased during the course of the year.

Dr. Kesselman asked if anyone else in Atlantic County had this service. Ingrid Perez said Galloway is the only other one in Atlantic County and the company has multiple contracts in Texas. Dr. Kesselman asked who was responsible for replacement of equipment. Mr. Jacobs said it wouldn't be the Township's responsibility but the building maintenance would be. Dr. Kesselman commended the Mayor and Mr. Palmentieri on putting this together and said it is consistent with the Strategic Plan.

Mr. Silva said it is a very balanced approach to a very difficult move in changing the way the Township was doing things. Mayor Gatto gave a lot of credit to the Public Works Leadership and to Mr. Jacobs for getting very creative in balancing the guiding principals and finding ways to make it work. Mr. Jacobs said he wasn't in favor the concept in the beginning and that the fact he changed his mind says a lot because he doesn't change his mind very easily. He said the Township still owns its vehicles and the contract permits increasing or reducing the number so if the size of the fleet continues to be decreased the Township knows what their savings will be.

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

WHEREAS, the following bids were received on June 8, 2011 for Fleet Maintenance & Management Services (Bid No. 2011-03):

First Vehicle Services Neptune NJ	Base Bid: \$1,180,329.30
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All Star Fleet Services, LLC Fort Worth, TX	Base Bid: \$1,119,598.89
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and

WHEREAS after a thorough financial analysis of the proposals by the Finance Committee, Administrator, QPA, and Public Works Management, it has been deemed to be in the best interest of the municipality to accept the proposal of All Star Fleet Services, LLC,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal of All Star Fleet Services, LLC, Fort Worth, Texas to provide Fleet Maintenance & Management Services pursuant to Bid No. 2011-03 be and is hereby accepted subject to the condition that it not exceed the prorated amount in the first year to coincide with the starting date.

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

Mr. Silva 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 Mayor and Township Clerk are hereby authorized to execute the Fleet Maintenance & Management Services contract with All Star Fleet Services, LLC for a total base bid not to exceed \$1,119,595.89 pursuant to Bid #2011-03.

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

Interagency agreement with Atlantic County re: Gaskill Park/Route 40/River Drive triangle improvements/maintenance/signage:

Mr. Cain commented on having started on this over a year go. He said the sidewalk on the North Side being is so overgrown it is almost impassable. Mr. Cain explained EDA Associates, the Planning Board Landscape Architect, offered to develop a plan for the triangular center portion of the island and will start tomorrow if the agreement is approved tonight. He said it will utilize low maintenance plantings; possibly wild flowers in the center island; and the County will run irrigation to it. Mr. Cain said the County has been very cooperative. He commented on the proposal for a marquee type sign to welcome visitors to the Township and said they hope to make it a changeable sign. Mr. Cain commented on each area being concerned about their own identity and beautification of certain areas during the Strategic Planning meetings and said he thinks this is a great starting point. He expressed his appreciation for the Committee's consideration tonight and his hope for their support of the agreement. Mayor Gatto explained one reason for a changeable sign is that they don't want to see the ad-hoc signs reappearing after all of this work is done. She commented on being able to get announcements out, being able to communicate with the visitors and residents, and potential revenue opportunity with advertising space on a changeable sign. Mr. Cain said the Merchants' Association has been very supportive and it is because of what they do throughout the community that he felt it was necessary to start with this point first.

Mr. Jacobs explained this is more than replacing existing signs with the Township signs and said if this is approved the commitment is to make sure there are no other signs and they will have to be immediately removed.

Mr. Cain explained it is also a shared parking agreement for several parking lots in and around the downtown Historic District, the Village Commercial Districts, to help alleviate the parking situation from a code stand point. He said there were businesses recently that couldn't get past the first stage because sometimes you can't conform to broad-based Ordinances in a Historic District because of lot size constraints or configuration because Main Street was built in the 1800's. Mr. Cain explained parking spots are currently required to be on your property; if the business requires 10 parking spots but they only have 7 on their property it makes it more difficult for them to get approvals and ultimately they probably won't get approval because of the nature of downtown. Mr. Cain explained how the parking spots on the inventory will be allowed to be used within a perimeter by the merchants to satisfy the parking requirements. He said much more has to be done and ordinances have to be looked at, but this is a beginning. He thanked Gerry DelRosso and County Executive Dennis Levinson for their cooperation when they realized the need when it was brought to them. Dr. Kesselman said this is part of what was heard in the Strategic Planning; something Mr. Cain brought up while campaigning that he kept for the past year and a half; and that Mr. Cain did a lot of personal lobbying at the County to make sure it happened. Mr. Cain it is important to note that it is being done without taxpayer dollars.

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Mr. Jacobs said as soon and the parking lot is open business owners and their employees can park there and free up a lot of spaces downtown for customers. Mr. Cain showed drawing of the proposed sign. He said the MUA has been very gracious in helping with the cost of the sign and explained the MUA was going to have their own sign there after they talked to the Director and Board they decided to consolidate and have only one quality marquee type sign there.

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

TOWNSHIP OF HAMILTON  
INTERAGENCY AGREEMENT RESOLUTION NO. GP-1-2011

WHEREAS, on September 7, 2010 the Township Committee of the Township of Hamilton determined to enter into an Interagency Shared Services Agreement with the County of Atlantic regarding improvement and maintenance of the Route 40 and River Road triangular area of Gaskill Park; and

WHEREAS, the terms and conditions of the Agreement have been finalized and reduced to writing,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Gaskill Park Improvements and Maintenance Agreement between the Township of Hamilton and the County of Atlantic is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute same on behalf of the Township of Hamilton.

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

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

Proposed Zoning Ordinance Amendment re: Parking in Village Commercial (VC) District

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Mr. Jacobs explained the Committee could discuss it and put it on the next agenda for introduction or introduce it and then refer it to the Planning Board. Mr. Cain said it is already on the Planning Board agenda for discussion.

Mr. Sandman explained it could be introduced tonight but it needs the Planning Board's recommendation and there may be amendments. He explained the ordinary course for a Zoning amendment is to get feedback from Planning Board.

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

BE IT RESOLVED by the Township committee of the Township of Hamilton that the proposed Zoning Ordinance Amendment regarding Parking in the Village Commercial (VC) District be referred to the Planning Board for their review and recommendation.

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

Brian Beavers request for film production approval - STUNODS:

Mayor Gatto said this is the only formal request received so far.

Mr. Silva commented on information received from them indicating they want to start soon and asked how long the filming would take and if it would disrupt traffic flow on Main Street. Mr. Jacobs said it would be one weekend, 2 days. He read the portion of Mr. Beavers request regarding where they would be filming; size of the cast and crew (about 20 people); action anticipated including potential use of weapons. He explained there is a whole other statute that applies weapons are used. Mayor Gatto said they are agreeable to applying for whatever permits are needed and use of facilities and meeting with the Chief. Mr. Jacobs said they would have to pay for Special (Officers) if they need traffic control.

Mr. Sandman explained he was in trial but his associate (Mr. Bell) sent a memorandum with respect to how this should be permitted based on his contact with Steven Gorelick, Executive Director of the New Jersey Motion Picture and Film Commission. He advised any approval should be conditioned upon permitting through existing Special Events, Parade or applicable ordinances; placement of a \$1 million insurance policy naming the municipality as a named insured; all use of fake weapons would be approved by the Township Police Department and/or the State Police; and if there is any pyrotechnics it has to be approved by the State Commission. Frank Primavera said if pyrotechnics are involved his office must be notified and he will contact the state.

Mr. Cain 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 request of Brian Beavers for permission to film a production titled "STUNODS" is hereby approved subject to directives from the State Motion Picture Organization and conditioned upon those items stipulated by the Solicitor.

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

Brewster Drive/Foxmoor Estates (formerly IMAJ LLC) drainage basin:

Mr. Smith said he went to the site and sent an e-mail about it on July 12. He said the basin is not working; the gate was not locked giving easy access to it and creating a safety issue; there are 3 partially completed houses and 1 vacant lot. He reported the letter he sent to the developer was returned but he got a new address and actually spoke to the developer; the bank may be taking ownership of the property; and he asked the developer to contact him with the name of who to contact regarding the issues. Mr. Smith said that before reconstruction of West Jersey Avenue was done he had conversation with the developer about making a contribution in lieu of doing the repairs along the property frontage himself and he was amenable to it but couldn't commit to a value. He said that contribution will still be pursued regardless of who takes ownership of the project because it is work that would have had to be done to complete the development. Mr. Smith explained it is in limbo right now because of not being sure of who owns the property and he is aware of all issues that have to be addressed. Mr. Smith said if it becomes bank owned, they will want to complete the three partially completed dwellings, and one tool the municipality has is that it can stipulate that this other work has to be done prior to the Township issuing a CO; he can withhold the site improvement sign-off on the COs until some of the work gets done. He explained that until they find out who the bank is and how the transition is going to take place, the mechanism for getting those some of the work done will be when the COs need to be issued for those three dwellings.

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Mr. Silva questioned the amount of the performance bond. Mr. Smith said about \$160,000.00 is left on it. Mr. Silva asked if there was a foreclosure procedure the bank had to go through if they take it over. Mr. Sandman explained they could foreclose it like was seen in the Glen Eyre situation; there could be an agreement between the developer and the bank to assign their rights; there could be a three-way agreement between the bank, the developer and a new developer. Mr. Silva asked if they fell within statistics he heard that there is a back-log of 934 days to bring all the foreclosures to the forefront. Mr. Sandman compared it not being able to get the In Rem Foreclosure process done through the courts in process in a year. He said the backlog in the foreclosure unit in Trenton is very significant and very substantial. He explained that is why the bank went through the federal district court and tried to get a Marshal's Deed on the other (development) foreclosure the Township dealt with. Mr. Silva asked if there was anything the Committee could do to act as a catalyst to move this along and Mayor Gatto asked what the Committee's options are. Mr. Sandman explained the most aggressive option would be testimony by the Engineer that established there was a breach of obligations under the Decision and Resolution of the Planning Board and it has to be established through the evidence and testimony that the governing body would be satisfied as the finder of fact that there is no intent to complete the project at this point and no good faith showing. He said it that is their factual decision the Committee could authorize him to send notification like they did before. Mr. Sandman explained the performance bond is still in effect and, in his experience the individuals of the corporation are almost always the indemnitors on the bond so if the bonding company has to pay money there is some recourse back to somebody that has assets. He commented on Mr. Galetta saying the basin has failed for 3 years; grass 7' high; a breach of an agreement in lieu of repairs; and said there is plenty to go on right now.

Mr. Smith said he thinks the developer was looking into a deed in lieu with bank where he gives up his right to the development and deeds the project over to the bank. Mr. Sandman said that puts the bank in the shoes of the developer but the Township is the only one to which the benefit of the bond flows and is the only ones that can take action against the bond.

Mayor Gatto asked if there was any objection to taking formal testimony on the record now. There being none, Mr. Sandman administered the oath to Robert J. Smith III.

Sandman: You are the municipal engineer?

Smith: Yes.

Sandman: How long have you held that position?

Smith: Off and on for eleven years.

Sandman: Are you familiar with the subdivision being talked about?

Smith: Yes.

Sandman: On how many occasions have you had an opportunity to physically go to that property?

Smith: Ten or twenty times possibly.

Sandman: When is the most recent time you went to the property?

Smith: It was probably July 10<sup>th</sup> or 11<sup>th</sup> this year.

Sandman: Could you explain the condition that you observed with respect to the drainage basins; is there only one basin?

Smith: There is only one basin.

Sandman: Could you explain what you observed?

Smith: The drainage basin was observed to be holding water; I believe that there was a rain event a couple of days prior; the access gate to the basin was unlocked providing free access to the development; there were three dwellings as I mentioned before that were partially constructed but uncompleted and in addition there was one vacant that had a topsoil stockpile placed upon it.

Sandman: How many lots are in the subdivision.

Smith: I believe there are 14 lots.

Sandman: You said there were 3 that had homes partially complete.

Smith: Correct.

Sandman: Were those homes enclosed?

Smith: They were enclosed. If memory serves me there may have been a boarded up window or two on the partially constructed homes.

Sandman: And there is one lot that is not developed?

Smith: That's correct; right now it's occupied by a topsoil stockpile.

Sandman: Is it also true that the remaining lots are completed homes?

Smith: The remaining lots, yes, appear to be completed and occupied homes.

Sandman: So, if they are occupied, COs were issued.

Smith: Correct.

Sandman: Do you understand the concept of giving engineering opinions to a reasonable degree of certainty?

Smith: Yes.

Sandman: And can we agree that your opinions here will be to that level?

Smith: Yes.

Sandman: Based on the observations that you saw as a professional Engineer with respect to the drainage basin, did you form any conclusions?

Smith: I did.

Sandman: First let me ask you based on that did you form any conclusions as to whether or not the drainage basin had been adequately maintained?

Smith: It does not appear that the basin was adequately maintained because it did not appear to be infiltrating within the design parameter.

Sandman: Did you observe any plant growth, things that were probably not proper in the vicinity immediately around it?

Smith: There was some vegetative growth on the banks; I specifically don't recollect if there was anything growing in the basin.

Sandman: In your opinion, to a reasonable degree of Engineering certainty do you believe that unless action is taken this basin will continue to fail?

Smith: Yes, that's correct. If maintenance is not performed the basin will continue to function improperly.

Sandman: And do you also believe that if that were to occur it would jeopardize the health, safety and welfare of the folks that live in that development?

Smith: It's possible that it will become a mosquito breeding ground and if it continues to fail there is a possibility that it will in fact overflow.

Sandman: And if it were to overflow would it affect the adjoining areas?

Smith: It would affect the adjoining areas but basins have an overflow mechanism where they are designed to overflow to the area which they overflowed to prior to construction.

Sandman: Now, you're aware of the general terms and conditions that are contained within Planning Board resolutions, are you not?

Smith: I am.

Sandman: And are you aware that that requires them to maintain these basins basically at all times?

Smith: Correct. It requires them to function in accordance with the approved design prior to release of the performance guaranty.

Sandman: Now with respect to the contribution in lieu repairs on West Jersey Avenue, is it your opinion that the developer failed live up to his obligations thus far with respect to that, if you can say?

Smith: He has not followed through on the discussions we've had.

Sandman: And the condition of the roadway I take it is a stab base only.

Smith: On property yes it is a stab base only on Brewster Drive.

Sandman: Is sidewalks and curbs installed?

Smith: For the most part. There is still sidewalk that needs to be installed in front of some of the uncompleted dwellings and along other sections of Brewster Drive.

Sandman: My understanding of the Hamilton Township Ordinances say that when 90% of the COs are issued that's when the top base should be installed. Is that your understanding?

Smith: It's either 90 or 95%.

Sandman: I think with that you have sufficient information but of you would like any specific questions addressed to this witness you may do so.

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Mayor Gatto: Does the Committee have any questions for the witness?

Sandman: In essence I'll direct you on the law. You're the triers of the fact. The law says that you may evaluate the testimony and accept it or reject it; you may invite other testimony as you have folks here from that development. I personally believe that you don't need it but if you feel the need for it you're entitled invite it. The law is that if you feel there has been a breach in the obligations under the Planning Board Decision and Resolution you can authorize me as your legal counsel to place the bonding company on notice and set into process those notice requirements. Any questions?

Kesselman: My only question is the testimony that was originally given can we consider the testimony that was originally given at the initial public discussion period can we consider that in this case?

Sandman: If there is one gentleman that will allow me to swear him in and just say I swear to it.

Kesselman: Okay.

Gatto: Mr. Erman can you please come to the mike to be sworn in?

Sandman: Do you swear that the testimony or statements that you previously made to the members of the governing body are true to the best of your ability?

Erman: Yes sir.

Sandman: You may accept the.

Kesselman: Thank you very much.

Gatto: Thank you. Does the Committee want to entertain any further testimony?

Silva: I think from my perspective I think, you know, the fact that we've all been aware of basins in this township, many of us have driven by there and have seen the basin and I think we were kinda concerned that action needs to be taken so we can move this thing to be remedied.

Gatto: Mr. Sandman, Mr. Jacobs and Mr. Silva did visit the property within the couple of days. Do you want to take any testimony from them.

Silva: Thursday we visited.

Gatto: Do you want to take any testimony from them?

Sandman: Just to say to both of you under oath do you both swear to tell the truth?

Silva & Jacobs: I do.

Sandman: Do both of you agree that the testimony of our engineer with respect to what you observed.

Silva & Jacobs: I do.

Sandman: There you have it. The procedure would be first, if you are of a mind to do it, accept the testimony as credible and determine as a matter of fact that the developer is in default by way of resolution.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that:

1. the testimony of Robert J. Smith III, the Township Engineer, Nicholas Erman, a resident of Brewster Drive, Committeeman Roger Silva and Township Administrator Michael S. Jacobs as set forth above regarding Foxmoor at Hampton Court/Foxmoor Estates be and is hereby determined to be credible;
2. the testimony be and is hereby accepted; and
3. based on the testimony it is hereby determined as a matter of fact that Foxmoor at Hampton Court Corp. is in default of its obligations under the Determination and Resolution of the Hamilton Township Planning Board (SD-10-03) for the Foxmoor at Hampton Court Corp. (formerly IMAJ) project.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI, SILVA AND GATTO VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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

BE IT resolved by the Township Committee of the Township of Hamilton that Robert S. Sandman, Township Solicitor, is hereby authorized to place Bond Safeguard Insurance Company on notice that the governing body has determined as a matter of fact that Foxmoor at Hampton Court Corp. is in default of its obligations as guaranteed by Bond Safeguard Insurance Company performance bond #501667.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI, SILVA AND GATTO VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Timber Glen retention basin update:

Mr. Silva said he and Mr. Jacobs went there the same day they went to Foxmoor and that he went by there tonight and they are working at a feverish pace to finish it.

Mr. Smith said they have made significant progress; they have mobilized on the site; they have done a significant amount of excavation and grading work in the basin area behind the tennis courts; they are going to install a connector pipe between the existing pond and the infiltration area that will regulate the level of the lake; the lake will get up to the permanent pool elevation and after a storm event it will flow into the infiltration area; the infiltration area will attempt to regulate the level of the pond. Mr. Smith explained the field guys are adjusting based on the field conditions. He said a meeting will be convened with the Planning Board Engineer, the developer's engineer, and himself to finalize what they are proposing to do there to make sure that the plan and what is done in the field matched so an adequate record is on file with the Township.

Mr. Silva asked if the larger section behind the swimming pools will always be wet. Mr. Smith explained all of their basins within the project are now wet basins and have liners in them so there will be permanent water in an effort to have a dry bottom is the infiltration area behind the tennis courts. Mr. Smith said they are making a good faith effort to achieve their goal of regulating the permanent pool elevation; there are still minor details to be worked on what it is going to look like; and have they been working out there almost every day .

Mr. Palmentieri commented that they did nothing for months and all of the sudden they did a lot of work in a short period of time. He asked if the Engineer know if they broke through the clay layer to get to the sand or they went down X-feet and stopped. Mr. Smith said he understood that they got to a suitable draining sand. Mr. Palmentieri said if that is the case it should infiltrate a sizeable amount of water if they are actually through the clay. He said with what Mr. Smith has said and what he saw he is happy with it for the moment.

Mr. Silva asked if it was done with DEP approval. Mr. Smith explained it is under Pinelands and not under the jurisdiction of the DEP. He explained there was a question of whether or not it would require an amendment to the approval and additional approval from Pinelands or it could be proceeded with as maintenance. Mr. Smith said that Planning Board Engineer and the developer's engineer met with the Pinelands and Pinelands appears is going to allow the work to continue proceed as maintenance. He said he doesn't have anything in writing but it is his understanding based on conversations with both engineers. Mr. Smith said at some point in time the plan will be finalized to coincide with what was done in the field and then the Township will get some kind of assurances the Pinelands is on board with it.

August 1, 2011

Mr. Cain said he thinks the owner of the Hamilton Commons basin should be taking note of this.

Mr. Sandman said he is impressed with Moriello, the attorney Timber Glen retained for this case; he thinks he is forthright; he has done what he said he would do; he is new on the team; and it seems to be a direct result putting the bonding company on notice. He said fortunately it only took that notice and hopefully, that will happen with Foxmoor. Mr. Smith said the punch list extensive but he believes is minor stuff for the most part. Mr. Sandman said he will have to ask the Committee to approve a standstill at some point in time but he doesn't intend to do anything at this time with respect to the bonding company unless he is asked to do so.

HTMUA request for postponement of Park Road improvements under 2010 Road Program until 2012

Mr. Jacobs explained the MUA asked the Township to postpone this for 1 year because they would like the opportunity to make improvements to the water system along Park Road. He said he recommended it and would like to name streets in place of that and refund Park Road next year. Mayor Gatto asked if there would be any savings because the MUA may pave it instead of the Township. Mr. Jacobs said the Township can always ask. Mr. Smith explained there is a cost associated with trench restoration if the MUA does improvements and suggested the possibility of a contribution towards permanent reconstruction of Park Road from the MUA in lieu of them having to do the trench restoration. Mr. Cain asked how if this came to light because the MUA Executive Director is now the Township's Director of Public Works. Mr. Jacobs said he thought it was. Mr. Cain said it was great to see this on the agenda prior to seeing a new road cut up in a year to replace a water or sewer main. The Mayor commented on that being exactly what was hoped for with having that dual role.

Mayor Gatto asked if the consensus of the members was to agree with the request. All members said "yes".

Proposed Refuse Containers/Dumpsters Requirement Ordinance:

Mr. Jacobs explained this Ordinance and the Private Storm Drain Inlet Retrofitting Ordinance were in response to new State Law.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No.1697-2011 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the August 3, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on August 15, 2011.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

ORDINANCE NO. 1697-2011

AN ORDINANCE REQUIRING DUMPSTERS AND OTHER REFUSE CONTAINERS THAT ARE OUTDOORS OR EXPOSED TO STORMWATER TO BE COVERED AT ALL TIMES AND PROHIBITING THE SPILLING, DUMPING, LEAKING, OR OTHERWISE DISCHARGING OF LIQUIDS, SEMI-LIQUIDS OR SOLIDS FROM THE CONTAINERS INTO THE STORM SEWER SYSTEM(S) OPERATED BY THE TOWNSHIP OF HAMILTON AND/OR THE WATERS OF THE STATE SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY.

BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the County of Atlantic, State of New Jersey, that:

**SECTION I. Purpose:**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Hamilton and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Hamilton or other public body, and is designed and used for collecting and conveying stormwater
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Hamilton .

**SECTION IV. Exceptions to Prohibition:**

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Public Works Department of the Township of Hamilton.

August 1, 2011

**SECTION VI. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each day that the condition is allowed to exist.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:	TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NJ
JOAN I. ANDERSON, R.M.C. TOWNSHIP CLERK	AMY L. GATTO,                    MAYOR

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

ORDINANCE NO. 1697-2011 INTRODUCED & PASSED FIRST READING AUGUST 1, 2011.

Proposed Private Storm Drain Inlet Retrofitting Requirement Ordinance:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1698-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is hereby authorized to advertise same in the August 3, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on August 15, 2011.

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

ORDINANCE NO. 1698-2011

AN ORDINANCE REQUIRING THE RETROFITTING OF EXISTING STORM DRAIN INLETS WHICH ARE IN DIRECT CONTACT WITH REPAVING, REPAIRING, RECONSTRUCTION, OR RESURFACING OR ALTERATIONS OF FACILITIES ON PRIVATE PROPERTY SO AS THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY.

BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

**SECTION I. Purpose:**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer

system(s) operated by the Township of Hamilton so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)- a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of Hamilton or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- 1. Already meets the design standard below to control passage of solid and floatable materials; or
- 2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

**SECTION IV. Design Standard:**

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

- 1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- 2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- 3. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar spacing of 0.5 inches.
  - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
  - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Public Works Department of the Township of Hamilton.

**SECTION VI. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NEW JERSEY

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

\_\_\_\_\_  
AMY L. GATTO, MAYOR

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

Repurposing ninth round of County Open Space Funds Award:

Mr. Jacobs explained the Township received approval of \$400,000.00 to construct 2 new sports or football fields at Liepe Park early in 2010 but the project was abandoned because of some change in elevation requirements. He commented on asking if it could be repurposed and the response was positive.

Mayor Gatto commented on receiving a lot of input on this from Public Works and Ingrid (Perez) when they had the Quality of Life subcommittee meeting. The Mayor summarized recommendations for repurposing the funding that they want to put in a letter.

- Installation of safe bleachers at Underhill Park, Hickory Street Soccer field, Knight Avenue and Liepe Parks.
- Drainage improvements, benches, fencing and at the Hickory Street Soccer Field.
- Parking lot improvements at Underhill Park. She said the Township already has the money for this set aside but they thought if they could get this money to be used for it they want that instead.
- Resurfacing the hockey courts at Liepe Park.
- Repurposing the tennis courts at Underhill. She explained the Recreation Study recommended turning it into a handicapped accessible playground for siblings of members of organizations that play the organized sports there.
- Some of the work at Gaskill Park point that was discussed earlier.

Mr. Palmentieri said he thought that summed it up very nicely.

Mr. Jacobs said he drafted a letter for the Mayor's signature.

Mayor Gatto asked if there were any more recommendations. There being none, Mr. Silva moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Atlantic County be requested to repurpose the \$400,000.00 funding approved by the County Municipal Open Space Financial Assistance Program for Liepe Tract Development (OS-R9-132); and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign and submit the official request setting forth the specific projects and estimated costs.

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

Public hearing/Adoption - Ordinance #1692-2011:

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

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

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

WHEREAS Ordinance #1692-2011 was introduced and passed first reading on July 11, 2011 and was duly advertised in the July 13, 2011 issue of the Atlantic County Record for a public hearing to be held on August 1, 2011; and

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

August 1, 2011

NOW, THEREFOR, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1692-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

Ordinance NO. 1692-2011

AN ORDINANCE REQUIRING THE INSTALLATION OF AN ADVISORY EMBLEM  
ON STRUCTURES WHERE ALTERNATE ENERGY TECHNOLOGY IS INSTALLED:  
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY NJ

WHEREAS, an increasing number of residential and non-residential structures in Hamilton Township are installing and using alternate energy systems as either a primary or backup source of electrical service; and

WHEREAS, alternate energy systems can include, but are not limited to, solar arrays, wind turbines, combustion powered generators and other technologies that provide electricity on site without connection to the power grid; and,

WHEREAS, it is in the best interest of all residents that the Township provide a mechanism that advises first responders of locations where alternate energy systems are in use.

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey as follows:

1) Amend Chapter 170, Fire Prevention, of the Code of the Township of Hamilton to incorporate the following as a new Article V, Alternate Energy Systems:

V. Alternate Energy Systems Emblem

A. Definitions

1. Alternate Energy System: Solar arrays; wind turbines; generators powered by gas, diesel, propane or similar type of combustible fuel; fuel cells and other technologies that produce electrical energy for onsite use. Alternate energy systems shall not include self contained fixtures.
2. Alternate energy system emblem: A placard available to the community that shall be installed on a structure where an alternate energy system in employed.

B. Alternate Energy Systems Emblem required with new installation.

1. Whenever a new alternate energy system is installed on a multi-family residential structure an alternate energy system emblem shall be installed adjacent to the main entrance(s) to the structure.
2. Whenever a new alternate energy system is installed on a non-residential structure an alternate energy system emblem shall be installed adjacent to the main entrance of the structure.

C. Alternate Energy Systems Emblem for existing systems:

1. One and two family residential structures – an Alternate Energy System Emblem shall be installed at the time of any change in ownership or occupancy of a residential structure. The emblem shall be installed adjacent to the electric meter box, if the meter is near the front of the structure, or within four (4) feet of the front corner of the structure closest to the street at height between five (5) to six (6) feet above grade.

- 2. Multi-family and non-residential structures – an Alternate Energy System Emblem shall be installed at the time of the periodic inspection required pursuant to §170-7.

D. Installation; cost

- 1. Installation - Unless otherwise directed by the Fire Official, Alternate Energy System emblems shall be installed at the locations specified in sections B and C of this Ordinance.
- 2. Cost – Alternate Energy System Emblems shall be available for sale to members of the community at an amount of money to be established by the Fire Official, not to exceed \$30 per emblem.

E. Enforcement

The penalty for failure to comply with the provisions of this article shall be as established in §170-9 for non-residential structures and §170-21 for residential structures.

- 2) Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency .
- 3) Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.
- 4) This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

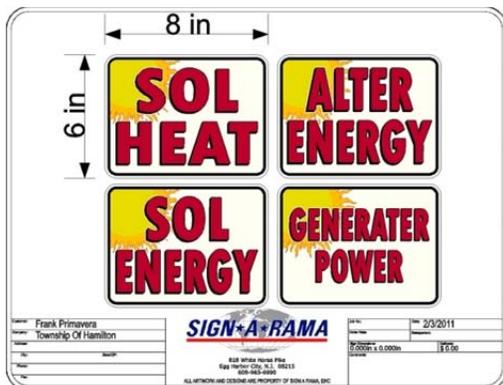
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JOAN I. ANDERSON, R.M.C.  
TOWNSHIP CLERK

\_\_\_\_\_  
AMY L. GATTO, MAYOR

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

ORDINANCE NO. 1692-2011 INTRODUCED AND PASSED FIRST READING ON JULY 11, 2011.  
ORDINANCE NO. 1692-2011 ADOPTED ON AUGUST 1, 2011.

EXHIBIT A



August 1, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1696-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is hereby authorized to advertise same in the August 3, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on August 15, 2011.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

ORDINANCE NO. 1696-2011

AN ORDINANCE AMENDING CHAPTER 301 ARTICLE XV §301-43 OF  
THE TOWNSHIP OF HAMILTON CODE ENTITLED VEHICLES AND  
TRAFFIC VIOLATIONS AND PENALTIES PROHIBITED TURNS

WHEREAS, there is a discrepancy in the Violations and penalties as established in Chapter 301 Article XV §301-43 of the Township of Hamilton Code and Ordinance No. 1621-2008; and

WHEREAS, the Township Committee deems appropriate to correct the discrepancy by amending Chapter 301 Article XV §301-43 of the Township of Hamilton Code,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey that:

SECTION 1. Chapter 301 Article XV §301-43 is hereby amended to read as follows:

**§301-43. Violations and penalties.**  
**Unless another penalty is provided by New Jersey Statutes, every person convicted of a violation of provisions of this article or any supplement thereto shall be liable to a penalty of not less than Two Hundred (\$200.00) Dollars, or imprisonment for a term not exceeding fifteen (15) days, or both.**

SECTION 2. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON, COUNTY  
OF ATLANTIC, AND STATE OF  
NEW JERSEY.

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

\_\_\_\_\_  
AMY L. GATTO, MAYOR

August 1, 2011

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

ORDINANCE NO. 1696-2011 INTRODUCED AND PASSED FIRST READING AUGUST 1, 2011.  
ORDINANCE NO. 1696-2011 ADOPTED AUGUST 1, 2011.

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

BE IT RESOLVED that the Business Registration License for A T & T, The Wireless Experience, a cell phone and accessories store in Hamilton Mall be and is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Clerk be and is hereby authorized to submit an application for the NJ Department of Agriculture to make a survey for Gypsy Moth egg masses in Hamilton Township, said survey to be done at no cost to the Township pursuant to correspondence from the State dated July 13, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that American Southern Insurance Company bond #B98808-021313, the performance guarantee for Dorothea & Robert VonSuskil/Fernas Estates driveway construction is hereby authorized to be released contingent upon the applicant posting a 2-year maintenance guarantee in the amount of \$4,038.30 as recommended by Robert J. Smith III, Township Engineer, dated July 7, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Hanover Insurance Company Bonds #1822870, #1822871, #1822872, #1822873, #1822874, #1822875, and #18228776, the maintenance guarantees for SJS Holdings non-stormwater components of Fairways at Mays Landing Cates Road Phases 1A, 1B, 2, 3, 4, 5, 6, and 7, are hereby authorized to be released as recommended by Robert J. Smith III, Township Engineer on July 19, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #14-2011 and Raffle License #15-2011 are hereby approved for the Cologne Volunteer Fire Company Ladies Auxiliary 50/50 and Chinese Auction respectively, both raffle drawings to be held on August 27, 2011.

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

August 1, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for submission of an NJDOT Minor Permit Application on behalf of Atlantic City Electric Company for construction of turning lanes into the Electric Company Complex on Route 40 (Block 1029, Lot 2.01) at approximately milepost 49.15.

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

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

RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE WITH SPECIAL RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, The Clubhouse at Hamilton LLC, a limited liability corporation of the State of New Jersey with an address for mailing purposes only of c/o Sarah C. Bready, P. O. Box 419, Ocean City, NJ 08226 is the owner of Plenary Retail Consumption License #0112-33-007-003; and

WHEREAS, aforesaid PRC License #0112-33-007-003 has been inactive since December 31, 2004; and

WHEREAS, The Clubhouse at Hamilton LLC filed the required application for renewal on May 5, 2011 and paid the renewal fees for the 2011-2012 license year which was accepted by the Township Committee of the Township of Hamilton on June 20, 2011 for filing only and with no action taken to approve or deny its renewal pending receipt of the required Alcoholic Beverage Control Special Ruling for renewal; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on July 25, 2011 under Agency Docket No. 06-11-6978 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-007-003 for the 2011-2012 and 2012-2013 license years; and

WHEREAS, the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal purposes was issued May 6, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling Plenary Retail Consumption License #0112-33-007-003 is hereby approved and issued for the 2011-2012 license year to The Clubhouse at Hamilton, LLC, with an address for mailing purposes only of c/o Sarah Bready, P. O. Box 419, Ocean City, NJ 08226; and

BE IT FURTHER RESOLVED that the license certificate shall be retained in the office of the Township Clerk until said license is transferred and/or reactivated at a location approved by the Township Committee of the Township of Hamilton.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Travelers Casualty & Surety Company of America bond #105527195, in the amount of Four Thousand Six Hundred Two Dollars and sixty cents (\$4,602.60) be and is hereby accepted as a two (2) year maintenance guarantee for Capital Telecom Acquisition LLC their cell tower behind town hall.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTTING "AYE", NO "NAY", NO "ABSTAIN".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Fidelity & Deposit Company of Maryland bond #09046932 TR #8097, in the amount of Two Million Eight Hundred Ninety Thousand Four Hundred Eighty-two Dollars and twenty-five cents (\$2,890,482.25) be and is hereby accepted as the site improvements performance guarantee for Wal-Mart Real Estate Business Trust (Wal-Mart Store #2108 - Block 1134/Lot 9).

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

GovDeals equipment auction authorization:

Mr. Cain commented on this being part of the Committee's commitment to cutting costs and generating revenue.

Mayor Gatto explained the Mays Landing Fire Company Chief requested the boat be given to them to be a pumper boat to fight fires on waterways in town. She explained that when asked, the Chief answered who would be responsible for the maintenance, how they would pay for it, and other questions with data-supported answers. Mr. Jacobs explained the boat, the trailer, and 75HP motor would be removed from the list prior to the Committee approving it. He said information was received that the Township may not have use of the State Police anymore. He said he thought the offer should be accepted based on the information given to him by the Chief and as long as the boat can be used by the Township Police, Rescue and Fire Company. Mayor Gatto commented on a concern about whether it show up on a capital budget for replacement someday and if the Township has to buy equipment for it and retrofit it. She said the Chief gave information on equipment they have in-house and she believes the fire company is going to do fund-raising for additional money to do what they want to do with it.

Mr. Cain explained he was opposed to it until he read the justification from the Chief and how he is going about it. He commented on boats moored (at the bulkhead) on the weekends and said that with increased activity there he likes the concept of being proactive with safety for that area.

Mr. Jacobs explained one of the Boards of Ed wants to purchase the Crown Victoria (Item 11-027 on the list); a price has been given to them; and if they agree to the price the sale to them can be authorized at the next meeting. He said that item will be pulled from the list also. Mr. Jacobs explained this action was for the sale of 29 vehicles and other equipment; no new vehicles were purchased this year; they will come off the maintenance contract and won't have to be insured. He explained the top three vehicles and item #11-017 on the list were purchased with CBDG funds and the money received from their sale will be returned to the CBDG program.

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Mayor Gatto asked if township employees were excluded from bidding. Mr. Jacobs said the previous Administrator had a policy that township employees could not bid and he feels it is a good practice because if it is left open you don't know what the motivation was for putting it on the list. He said he wasn't sure from a legal standpoint because they would be paying fair market value but it is the perception.

Mr. Jacobs said the four deleted items were already taken out of the maintenance contract inventory.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for the sale of surplus equipment, vehicles and miscellaneous property per the list submitted by the Public Works Department subject to deletion of the following items as recommended by the Administrator:

- 1) 2006 Ford Crown Victoria VIN #2FAFP71W16X136400 (#11-027)
- 2) 1998 Polar Boat 75 HP Mercury (Item #11-031)
- 3) 2000 Sea Lion Trailer VIN #45LBS1918620565630 (no item number)
- 4) Fiberglass Boat (Item #11-032)

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the July 11, 2011 regular meeting and executive session be and are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH MEMBERS KESSELMAN, PALMENTIERI, SILVA AND GATTO VOTING "AYE", NO "NAY", MEMBER CAIN ABSTAINED DUE TO NOT BEING PRESENT AT THAT MEETING.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$6,283,516.74 as of July 28, 2011.

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

#### Reports:

Mr. Jacobs said the retention basin actions come with a cost that wasn't in the budget and one of the revenue items in the budget was 100% of the surplus was used. He said he thinks these things should be done but they aren't budgeted and suggested the Fiscal Vitality Committee discuss funding them because he isn't sure any or all of it would be reimbursable even when the bonds are called but if it was, it wouldn't be in this same budget year. Dr. Kesselman clarified that the costs were associated with pursuing the matters legally and through the engineer. He asked what Mr. Jacobs said about the surplus. Mr. Jacobs explained 100% of the surplus was budgeted and, assuming every cent budgeted is spent, there is no savings account. He said the Township is tracking well but he wouldn't be doing his job if he didn't raise the issue. Mr. Silva said the point was well taken but he thought the non-pursuit side was considered in terms of impact on public safety, neighborhoods, loss of one's home, and one accident could result in township liability that could exceed the cost of all of this work. He said they are still a long way from finished given

the fact not a lot had been done over time and there hadn't been the type of action that has been taken now. Mr. Silva said it is also supports the citizenry in terms of them living in an enhanced environment that's free of all the other problems flooding has created and a lot of what happened is well worth it in his opinion. Mayor Gatto commented on letting the public know that whenever the Committee tells the engineer or solicitor to check it out or prepare to do testimony there is a cost that wasn't budgeted for at the beginning of the year. She said she thinks it is an important issue and that is why they continue to pursue it. Mayor Gatto said the Committee is going to have to say no to something at some point and they are using the Strategic Planning process to drive prioritization. Dr. Kesselman said it is a priority and one of the ways government or a not-for-profit articulates its priorities is where it puts its money. He suggested having a little contingency in certain line items when the budget is constructed in the future in anticipation of continuing to be vigorous. He said it is also a message to potential developers that the Township intends to be vigorous and vigilant about the issues. Mr. Jacobs explained escrows cover most of the engineer's work but the township won't get the money back for pursuit of bonds. Dr. Kesselman said the committee knows that. Mr. Sandman said hopefully Mr. Smith's time is covered by a flow-through ordinance by escrow in every instance and there are instances where attorney fees may be able to be recouped but hopefully it never gets to that. He commented on telling the Planning Board attorney John Rosenberger what is being done in other instances and asking for his thoughts and help and said that doesn't cost anything. Mr. Smith explained that any time an inspection is done, correspondence or a punch list is prepared it is basically charged to the developer's escrow. Mr. Sandman said a bond was actually called two years ago and it was very costly. He said he would notify the Committee before he ever got to that point. Mr. Silva said he thought that the Committee agreed to move a couple hundred thousand dollars into addressing the basin issues during that period.

Mr. Sandman reported the Township's third day of Tax Appeals before the County Tax Board will be held on the 13th. He said that will end the 2011 Tax Board hearings; 4 or 5 of the decisions have been appealed to the Tax Court; and there are 2010 and 2011 commercial appeals in the (State) Tax Court but he doesn't anticipate a trial on any of them before the end of the year. Mr. Sandman said the County Board decisions have been extraordinarily favorable to the Township; there have been cases where the township agreed to some things after hearing the testimony; and they have been greatly successful in a substantial amount of the appeals.

Mr. Sandman reported the Lenape Dam Committee will be meeting with the contractor on August 5<sup>th</sup>; there is a specified agenda to which the contractor will have to address issues; the County and Township representatives will be present; and hopefully there will be some answers to rectify the problems with respect to the Lenape Dam.

Mr. Sandman said that if the Planning Board follows the Homewood Court Estates document the Township won't have the drainage basin problem for anything in the future. He explained they are dealing with existing ones now and that Nancy Rainbow and Mary Lisitski are preparing a list of properties that are subject to maintenance guarantees. Mr. Sandman explained Mr. Smith prepared a letter to go out over Mr. Jacobs's signature that will give those folks a deadline for submitting their annual reports on what maintenance has been done and what will be done. He said 13 bad ones were identified; all but 1 of them has been taken care of; and now they are working on the group that is in the middle. Dr. Kesselman questioned what action would be taken if they don't get the report. Mr. Sandman explained the restrictive covenants and declarations provides a remedy for the Township to go in, inspect, and lien (the property). He said he thinks the Committee's part is done when the notification is done; then it is a matter of wait and see and enforcement.

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Mr. Smith reported the meeting with the DDR representative and their engineer to meet on the Hamilton Commons site to find out their progress and where they are had to be rescheduled to next Tuesday because their engineer was called away on other business. He said he should be able to give a real status report at the next meeting.

Mr. Smith said he thought Mr. Blankenship sent an e-mail to the Committee indicating which roads they proposed to add to the road program to take the place of Knight Avenue and Park Road. Mr. Jacobs explained the Knight Avenue money was already repurposed by the Township Committee to do patching throughout the entire Hardings Lake subdivision, mostly intersections, and that he thinks Mr. Blankenship was combining the Park Road the new bond money. He explained there is approximately \$700,000.00 worth of roads to be identified and he hoped authorization for putting bid specs together could be done at the next meeting. Mr. Smith commented on the number of areas in need at Harding Lakes and said the list got too big so the areas to be done has to be prioritized.

Mr. Silva asked if the roof was finished. Mr. Smith said the factory rep inspection for the EPM roof hasn't been done yet. He explained there have been a couple of water intrusion issues and they are trying to determine whether they are coming from the roof or from the louvers on the parapet. Mr. Smith said it is his opinion that it is coming through the louvers. He said the last thing that has to be done work-wise is recoating of the cupola. Mr. Silva asked if there was intrusion through the louvers before roof work was done. Mr. Smith explained that determination still has to be made; it is the contractor's responsibility to rectify if it is through any of the roof that was done; and if it is through the louvers, he and Mr. Jacobs talked about putting some shrouds around them. He said the contract included a \$15,000.00 allowance; about \$8,400.00 of it was used for coating and sealing the cupola; \$3,300.00 was used for coping around the parapet wall; he believes they will be under the original contract amount even if shrouding has to be put around the louvers; and there should be a deduct change order on the roof.

Mr. Silva reported significant progress is being made on the demolition at the Wheaton site and they are recycling it. Ingrid Perez said ACUA is inspecting demolition sites and was very impressed with what is being done there. She said the Township will get tonnage credit for it.

Mr. Silva reported being approached by River Road residents who are concerned about not being able to get out of River Road because traffic stopping at the light blocks the intersection. He commented on the color of the "don't block the intersection" sign and asked if a more noticeable color sign could be put there. He commented on people whizzing through the sign at the light that says "full stop then a right turn" and asked if a brighter sign could be gotten there also. Mr. Smith explained the Uniform Traffic Control Manual regulates the type, size, color and text of signs. He said he can look into it.

Mr. Cain thanked Mr. Silva for the Wheaton update and asked if anyone knew what the extent of the demolition will be and if the portion of building in the front that is low will remain. Mr. Jacobs said the contract is strictly for the fire damaged portion and he thinks that low part stays.

Mr. Cain reported attending the Mays Landing Country Club 50<sup>th</sup> anniversary celebration and said thousands residents from the Township and surrounding communities attended. He thanked the Country Club for being part of the community for 50 years and the great job they have done. Mr. Cain complimented their staff and the Township police department for the way traffic control was handled after the fireworks ended. He suggested a proclamation be done to recognize what their support of the community over the years.

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Mr. Cain reported Mr. Palmentieri brought some ideas to him and Mr. Sartorio to add some protection from a stability standpoint along with performance in the township ordinance and said they are waiting for feedback on it from Mr. Sartorio. He said it could avoid the Brewster Avenue kind of situation from happening in the future by giving the township the option to go in and stabilize the site, do certain things, and have money to do it. Mr. Sandman said the Planning Board has the right to do a site restoration bond but the Land Use Ordinance should be amended to require that at some level of construction it must automatically be replaced with a performance bond. He said he has done the research and it can be a requirement of approval. Mr. Sandman said it made no sense to have a restoration bond once a parking lot and building are built. Mr. Palmentieri explained they are looking at tying it all together so there is seamless protection through all the various appropriate stages from when they start to disturb the site through to maintenance. Mr. Jacobs said Old Bridge required portions of the performance guarantees to be cash bonds and suggested the Committee may want to look into that. He commented on a developer going bankrupt in Old Bridge and said the town took the money to clean up the trash etc. that was left behind from the cash bonds. Mr. Cain said they are trying to balance the need to protect the public, residents and taxpayers with the ease of doing business in the township. Mr. Sandman said he would contact the Planning Board solicitor. Mr. Cain said Mr. Sartorio has quite a bit of information from the several meetings with Mr. Smith, Mr. Palmentieri, Steve Filippone and himself.

Dr. Kesselman thanked Jennie Ayers for the work she has done getting data together for the Fiscal Vitality Committee to complete their report. He said once that is done all the committee chairs will be brought together to begin the final phase of the whole plan. Dr. Kesselman said a number of initiatives undertaken by the Township Committee recently are directly related to it.

Mr. Palmentieri questioned where the Mall basin came in on the list. Mr. Smith said it was on the original top 10 list but they are going to be working separately with the Planning Board and Pinelands Commission because they are proposing an expansion and both entities will require that the condition of their basing be addressed as a condition of approval. He said they were sent one of the same letters that was sent to other developers and Mr. Nehmad's response indicated it would be a requirement of the approval. Mr. Smith said one of the issues is a difference of opinion as the seasonal high water level. Mr. Palmentieri said the water level appeared to be above the road and there hasn't been a rain event for three week except for one minor one and the temperature has been 90°. Mr. Smith said it dropped a couple of weeks ago but there then there was about 1' of rain. Mr. Palmentieri said it doesn't handle an inch so it will be a problem if there is a couple of inches a couple of days in a row. He said it seems to get worse by the year and he just wanted to be sure it wasn't considered something that needs to be addressed.

Mr. Palmentieri said it seems that he has to race through the jughandle at Wrangleboro and the Pike even when he is the first car in line to make a turn to go east on the Pike. He asked if there was a way to ask DOT if there could be a 5-second delay.

Mayor Gatto questioned whether the company from the Triathlon removed the tapes. Ingrid said the majority of the tapes were removed and that it was done by the company and they brought a check today to cover what the Township had to do.

The Mayor announced the Atlantic City Race Course celebrated 65 years in July; the circus is coming to the Race Course August 3<sup>rd</sup>-5<sup>th</sup>; Mizpah Inland Human Services annual NuUnity Day is being held in the Mizpah section at 12PM on August 6<sup>th</sup>; Oakcrest Estates, Victoria Point and Victoria Crossing are holding National Night Out events tomorrow night; the 9/11 ceremony is coming up and Mr. Silva is on that Committee; the Merchants' Fall Festival will be held on September 26<sup>th</sup>; the Halloween parade is coming up in October; the 4-H Fair will be held August 12<sup>th</sup>-14<sup>th</sup> and Laureldale Fire Department will be having a

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spaghetti dinner there. Dr. Kesselman announced the Merchants' Association is having a wine, cheese and food event at Lenape Park on October 22<sup>nd</sup> and 23<sup>rd</sup>. He announced Stockton will be celebrating its 40th year on September 21<sup>st</sup> with a series of including the reopening of the Campus Center and invited everyone to attend.

The Mayor reported she and Mr. Silva attended the Emergency Services Advisory Board meeting said they are looking for volunteers. Mayor Gatto said to be successful in receiving significant grant money they often hire a grant writer at a cost of a couple hundred dollars and they asked for a call to be put out for any professional grant writers in the community or that do business in the community that would be interested in volunteering on an ad-hoc or regular basis to help the fire department write for grants. Mr. Cain suggested it be put on Channel 2. Dr. Kesselman said Mr. Jacobs reached out to him about potentially using students as grant writers and as soon as they are back it could be a great internship.

Public Comment:

Rodney Guishard said he thinks this is one of the best meetings he has attended; a lot of great stuff was done and participation by all the Committee Members and professionals.

Jeff Astin, 106 Old Egg Harbor Road, said he had kids that are going to be driving and with the new NO PARKING ordinance there is no parking in front of his house anymore. He asked if the no parking on the north side could be moved back from Route 40 on to the same as it is on the south side. Mayor Gatto said there have been several issues with the new ordinance but it was put in for safety reasons. Mr. Astin said two police officers came and evaluated it and agreed with him 100%. He said it is a burden on the residents not being able to park in front of their own house. Mr. Astin said people are parking on the grass in front of the house next to the ball field. The Mayor asked Chief Tappeiner to look into it and make recommendations. Mr. Astin commented on not being able to see when making a turn onto Route 40 to go into downtown from Old Egg Harbor Road because of bushes that were just planted at the corner and that the State and the Township both said it wasn't them. Mr. Astin questioned who to talk to about getting the fire hydrant that is in the middle of his driveway moved. Ingrid Perez said she already talked to Mr. Blankenship from the MUA about it.

Elmer Ripley asked when something was going to be done about the speeding on Old Egg Harbor Road, especially when they are turning from Route 40 onto Old Egg Harbor road. Chief Tappeiner said a study was done years ago and speed bumps were not recommended for the area. He said it is on the PD operations plan and when officers have time they will do speeding enforcement. Mayor Gatto commented actions taken to remind people to slow down. She suggested plastic lettering be put down like was done on Hickory Street. Mr. Cain questioned the possibility of putting a cross walk at Underhill Park to slow people down.

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

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

Dr. Kesselman 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