

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MARCH 1, 2010

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Colin Bell, Township Solicitor and Robert J. Smith III, Township Engineer. Richard C. Tuthill, CFO, was present until after the vote for introduction of the 2010 Local Municipal Budget took place. Robert Sandman, Township Solicitor, arrived late.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the NJ Open Public Meetings Law by posting a notice of the meeting on the bulletin board in the municipal building and the Township website and by faxing or e-mailing a copy of the notice along with the agenda for this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, March 1, 2010.

A moment of silence for private reflection was observed.

Landfill status report by Land Resource Solutions

Trevor Houser said Mr. Sasdelli asked him to give a status report and talk about some ideas about what they might want to do looking forward. He explained Land Resource Solutions (LRS) is a landfill redevelopment company with 23 years experience and they are working on a number of those developments in South Jersey. He said their main goal is to try to help eliminate liability for the municipality. Mr. Houser said the DEP started an investigation of the Township's landfill in the mid-to late 90's but stopped before it was complete and that was good because it sets the stage for what LRS is running with DEP. Mr. Houser said the State installed a lot of wells did a lot of investigation to try to determine the source of contamination in the Forest Walk community but never completed the activities. He said that in 2007 LRS presented their ideas to Township Committee on getting the landfill cleaned up and getting it redeveloped. Mr. Houser said LRS applied for and was awarded a grant to cover the cost of their investigations; the state split the project into 2 pieces - (1) to investigate soils and the landfill proper (2) to investigate the ground water. He said the State was really concerned with the ground water and whether the landfill was impacting any residential areas around the site. Mr. Houser said they completed the soils part and shared their report with the Township. He said the State asked for additional ground water investigations and they made a supplemental application for funding through the EDA Discharge Site Remediation Fund which is a municipal grant program. He explained it is for funding for the additional work DEP requested. Mr. Houser said the application is still pending before EDA and DEP and they anticipate the funding to come through this year. He explained that in the meantime they have been developing their landfill program, meeting with State and Federal legislators and some State Agencies. Mr. Houser said the main thing with these sites is that they require closure. He said when the landfill no longer receive waste it is capped, monitoring wells are installed and then goes into a 30-year maintenance period. Mr. Houser explained the plan is to complete the investigations to understand where the contaminant coming from the landfill are and if they are impacting anyone or thing that would be of concern. Mr. Houser explained the process that takes place once that is done. He said the regulations typically call a plastic or clay cap which is very costly and that is the reason most landfills have not been properly closed. He said the Township landfill is in a redevelopment area so the next stage is to find someone interested in redeveloping it and LRS is interested in redeveloping it. Mr. Houser said they are proposing that they be the redeveloper and then they will complete the investigations and implement the closure. He said they think a very viable end use for the site is a renewable energy generation park. Mr. Houser said there are still things that have to be worked out in the Legislature but they think that eventually any electricity generated could benefit the township under an agreement.

Mayor Silva said Mr. Houser is proposing LRS become the redeveloper and asked if they would seek the funds to do the closure with no money from the Township. Mr. Houser said they work it out under the terms of an agreement but they would cover the cost of the investigation and closure. He said that is part of what they are trying to do and they are trying to find a solution that results in basically no out-of-pocket expense to the township. Mayor Silva commented on LRS looking at renewable energy generation and asked if they would look for a partner that specializes in that. Mr. Houser said they may or may not to engage a partner depending on the size of the project. He said they have to find the funding and are talking tens of millions of dollars with a site that large. Mr. Houser said they are working with the Department of Energy on a couple of technology deployment issues. He said they are trying to get the Department of Energy excited about their program of using old contaminated properties for renewable energy. Mr. Houser said

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that they will either need a partner from a technology standpoint or at least for financing at some point.

Mr. Cain asked if this site was an average or large size. Mr. Houser said it would be a large facility in terms of the State of New Jersey. He said they are working on sites ranging from 7-9 acres up to 60 acres and they are all in various stages of development. Mr. Houser said that because of the programs in place in New Jersey, if you have the right pieces for a project of this nature, it is financable.

Dr. Kesselman asked how much of the \$379,000.00 awarded in 2007 was left. Mr. Houser said \$50,000-\$60,000.00 and it is geared for ground water investigation. He said it was put aside while they asked for additional money to do all the work the State wants done. Dr. Kesselman asked how much the grant just applied for was. Mr. Houser said somewhere around half-a-million dollars. Dr. Kesselman asked if LRS worked with multiple townships simultaneously to consolidate and maybe get a bigger grant or appropriation. Mr. Houser said they are seeking an appropriation through the federal program based on multiple sites. He said the demonstration they are currently talking to the Department of Energy about has 3 facilities and are sites where they have control of the property and can demonstrate the projects are viable and ready to go. He said Hamilton Township controls the property but it could be on a second round if they feel they need additional financing. Mr. Houser said they expect to be able to get more conventional financing for actual construction once they get several of the facilities up and running. Dr. Kesselman questioned the long term operational cost. Mr. Houser said he wasn't sure because they don't know what the State will require. He commented on the State going through a new program where outside professionals will be licensed to do clean-up work and as part of that they are changing their permitting process. He said until it gets worked out and based on his experience a facility this size is looking at \$50,000.-\$100,000.00.

Mr. Cain asked what the timeframe the Township was up against and how Mr. Houser's time frame worked out with it. Mr. Houser said the State is going to have to look at prioritizing. He explained that under the new law, if you know you have a contaminated property, you can't wait until you have a transaction that triggers doing an investigation and determining between the buyer and seller who is going to clean it up; you have an affirmative obligation to clean it up. He said there are certain mandatory time frames for clean up and if you don't do it you get kicked into DEP oversight where the state will say they estimate your case is worth \$8 million and you have to come up with that amount; put it into an escrow account; the state will do the work and draw down off the escrow. Mr. Houser said how it will be implemented is still up in the air.

Mayor Silva asked if Mr. Houser is satisfied the Township is moving in a satisfactory way to avoid penalties. Mr. Houser said he is and that they are ahead of the curve because they started before the new law went into effect. He said they are working very closely with the State; they know what LRS are working on; they are very strongly supporting renewable energy type of uses; and they like to see that they are focusing on municipal landfills. Mr. Houser said LRS enjoys a very strong relationship with DEP and he doesn't think they would ever have any trouble with enforcement even if they run up against a time frame.

Mr. Palmentieri said with limited resources they are going to go after people that aren't doing anything and Hamilton Township already has something in place and progress. Mr. Houser said they provided data to the State and have a little disagreement with them on how much additional information they should be requiring after all the information that exists on the Township's landfill. He said they know it is being worked on and he doubts there would be any issues on the time frame.

Mr. Sasdelli said the Township Committee only gave LRS authorization to do the remedial investigation and nobody has been authorized to do anything else. Mr. Houser said for this invitation to come down and tell the Committee they are not only working on the landfill but they see a good opportunity to take the next step, move into the redevelopment capacity which will allow them to have other discussions with the State to support the redevelopment.

Mr. Palmentieri said part of the discussion that seemed important when LRS was first brought in was the type of cap and Pinelands was looking into evaluating LRS proposal with the cheaper cap. He asked what happened with the evaluation and where it stands. Mr. Houser said they are working in Estell Manor and he calls that the poster child and thinks it will be the test case with the Pinelands to convince them there are sites that don't require extensive caps. Mr. Houser said they met with the Pinelands last week with Senator Whelan and the feedback was that Pinelands is coming around but not with any great speed. He said they have to provide the Pinelands with site specific data and make a case for why they think an alternative cover might be appropriate. Mr. Houser said he thought having an end use they found attractive would be beneficial and renewable energy is a good way to get them to move to the right side if they are on the fence. Mr. Palmentieri asked

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if the alternative cap is compatible with solar panels. Mr. Houser said in his opinion it is more compatible than a plastic or clay cap.

Ms. Gatto asked if they could be talking about windmills and not just solar panels. Mr. Houser said they would look at all different forms of renewable energy and look to see if there are any resources within the landfill itself that could be tapped into but it all depends on whether or not it is economically viable.

Dr. Kesselman questioned the purpose of the cap. Mr. Houser said it limits infiltration of stormwater into the waste leachate that comes out of the bottom. Dr. Kesselman asked if Mr. Houser had copies of his power point presentation. Mr. Houser said it is on the Township system now.

Mr. Houser commented on the benefits to the township (1) to limit the township's liability (2) reduce the cost of the closure (3) return the site to something productive (4) clean up of a DEP case. He said LRS envisions that in terms of a redevelopment agreement, the township would get tax revenue or they would do a pilot and it would be the subject of further negotiations. Mr. Houser said they hoped to eventually sell the power back to the township at a reduced rate but that will take additional legislation. He explained the requirement to pay the grid folks for distribution of the power. Mr. Houser said there would be some job creation and local spending. He said as it is envisioned it would be about a \$50-\$60 million project.

Mr. Cain questioned how many permanent jobs there would be. Mr. Houser said 5 or 6 because it isn't very labor intensive.

Mayor Silva asked if there are many companies in New Jersey that could handle a project of this size. Mr. Houser said there are once you get the approvals. He said LRS is capable of handling it. The Mayor questioned what kind of monitoring is required. Mr. Houser said a 30-year post closure program will be required regardless of what is put there.

Dr. Kesselman questioned how long it would take. Mr. Houser said once they get the approvals it could be done in a year.

Ms. Gatto asked if they subcontracted or hired locally. Mr. Houser said it is a combination.

Mayor Silva thanked Mr. Houser for his presentation.

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

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

- 6.H Resolution designating Month of March 2010 as "Women's History Month".
- 7.A Accept John Garton resignation as full-time Fire Prevention Inspector effective close of business March 1, 2010
- 7.B Authorize conversion of 1 fulltime Fire Prevention Inspector Position to 2 part-time inspector positions not to exceed 20 hours per week
- 7.C Appoint John Garton a part-time Fire Prevention Inspector effective March 2, 2010 at \$21.73 per hour, not to exceed 20 hours per week
- 7.D Authorize advertising and hiring of a second part-time Fire Prevention Inspector at an hourly rate not to exceed \$19.00 per hour, not to exceed 20 hours per week

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

There were no executive session confirmations to be made.

Early public comment on agenda items excluding items listed for public hearings

Peg Capone said the current Township Committee is 3 Republicans and 2 Democrats so it is fair to say the Republicans can pass an aggressive mandate if they choose to. She said the 2010 budget raised taxes and gave employees raises at the same time and asked if that didn't contradict the Republican motto of smaller government and less taxes. Mayor Silva said this Township Committee tries to be non-partisan in the way they approach the problems and issues the Township is dealing with. The Mayor said the budget is only being introduced tonight and many things can happen between now and when the governor speaks in a couple of weeks. He said he thought the governing body overwhelming vote to move the budget forward based on the numbers they have at this time was a positive move. Mayor Silva said

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commented on gleaning from the governor's speech at the League of Municipalities that there will be massive cuts and shortfalls in municipal aid that will impact the community at the township and school levels. The Mayor said he thinks the Committee has to wait for the final numbers to balance it out. He said that, as far as it being contradictory to the Republican way of moving forward, he likes to think that at this time it is not a Republican budget, it is a non-partisan budget in the best interest of the community at this time. Ms. Gatto said there was a slide in the budget presentation made at the last meeting showing the (employee) reductions over the past couple of years and she encouraged Mrs. Capone to look at the slide again. Ms. Gatto said the Township has shared services; consolidated services; eliminated programs and Township government is getting smaller with less employees and shared services but the question is whether it is at the rate some of the public want. Mrs. Capone said the Committee is raising taxes to balance the budget and giving raises. Mayor Silva explained the budget was based on the CAP and what was negotiated. Mrs. Capone asked if the Committee will equal the amount with layoffs and not raise taxes if the State cuts \$700,000-\$1 million in State Aid. Mr. Cain said he visited as many departments as he could to see what people do on a daily basis and, from what he sees, the Township is running pretty lean. He commented on the possibility of other things happening and suggested Mrs. Capone point out anything that stands out to her. Mrs. Capone said she has pointed out and everyone knows her position is that the Township is spending too much on employees and health care. She said health care costs increased from \$2.1 million in 2008 to \$2.84 in 2009 but the employees are not contributing more and the public sector is paying more. Mrs. Capone said people in the public sector are losing jobs and being laid off and the Township is asking them for more money. She that is wrong and people have to start giving back. Mrs. Capone said she doesn't like people losing jobs but there has to be a better compensation that is fairer to the taxpayers. She said the Township gives employees cars, pays for repairs, gives them gas and suggested that maybe that has to be taken away. Mrs. Capone said the Committee has options other than looking at the taxpayers all the time to resolve the issue. She said the Committee should run the township like it was their home. Mr. Cain said he didn't think the Committee looked at just the taxpayers. Mrs. Capone said the Committee gave raises. She said she doesn't believe the Committee got enough concessions. Mrs. Capone said she didn't think anybody should get raises and then the Committee raise taxes. Mayor Silva said her point was well taken and the Strategic Planning Committee is trying to look at everything they possibly can throughout the township. The Mayor said there are certain needs a community of this size cannot get away from and they are talking about needs, not wants. He explained that there was never a problem before the CAP was put on because government just raised the taxes and it went up more than 4%. Mayor Silva said he wasn't criticizing anybody but nobody complained in good times. He said he doesn't think there is any family in the township that hasn't felt the strain of this economy. The Mayor said Committee Members are struggling with how to send the message back to the public that they are doing everything they possible can to make things happen in a positive way for the community. Mayor Silva said he understands that \$10.00 or \$100.00 is a lot for the average family today. He said he hoped Mrs. Capone would keep her comments coming at the next meeting. She said she would.

Aline Dix read portions of the August 18, 2008 public hearing minutes on Salary Ordinance #1630-2008 regarding Mr. Sasdelli's explanation that Section 3 set the maximum percentage of increase the Administrator could award an employee based on an evaluation of performance, attendance, and customer service during the year and that nothing was automatic. She asked if the salary lines in this budget for all non-union positions in all departments were increased to include the 3% stipulated in the ordinance. Mr. Sasdelli said it included that minus the 5-day furlough which was about 2% and that it nets out to 1.75%. Ms. Dix said she didn't hear any evaluations. Mr. Sasdelli said she wouldn't because they wouldn't be done in a public meeting. Ms. Dix commented on saying in August of 2008 that the Committee should be adopting salary resolutions and should know what they are paying every person whether it is a salary change, merit increase or someone being hired. She said Ms. Gatto agreed with her in 2008. She said the Committee should know the salary attached to every job so that when they appoint someone they know what they will be paid. Ms. Dix commented on saying in 2008 that a salary resolution is a critical document to be given to Payroll so the salaries are set and that is what is sent to the Pension Board and what the pension contribution is based on. Ms. Dix said that salaries and hiring situation that has gone on since 2005 has jacked up the payroll, pension contribution and the Township's long term obligation when people retire. She said the Police/Fire Pension is over \$1.2 million, the PERS pension is up \$400-\$600,000.00 and the higher it goes the higher the long term obligation put on the taxpayers. Ms. Dix said it was clear that evaluations were to be done with the Department Heads; that she asked in 2008 if the Liaisons would go over the evaluations and recommend the percentage of increase to be given; and that it didn't happen. Ms. Dix said if it had, the Committee could have made decisions in November and December that would impact the next budget.

Ms. Dix referred to tonight's agenda items regarding appointment of a part-time Fire Prevention Inspector and authorizing advertising and hiring a second one. She said the salary range for an Inspector starts at \$15.00 and questioned why the Township was starting someone at \$21.00 and \$19.00 . Ms. Dix said the Township

might be able to get decent people for \$15.00, especially with unemployment running out. She said she knows the Committee is trying hard but the public was led to believe certain things documented in the public record and it didn't happen. She said the lower end of every salary in the 2008 ordinance has to be rolled back and the expected raise for next year taken out. Ms. Dix said the starting salary of a Department Head doesn't have to be \$70,000.00, it could be \$50,000.00. She said that when personnel is changed the Township will get the best and brightest at a more reasonable cost because people are begging for jobs. Ms. Dix asked if the Committee thought it would be prudent to hold off introducing the budget until the next meeting and hearing what the governor says. She questioned the procedure for adding a dedication by rider after the budget was introduced. Mr. Sasdelli explained the Township has trust funds for virtually every activity they participate in and said he didn't know what kind of activity Ms. Dix would want a trust fund for that the Township doesn't already provide for. Ms. Dix said she made an analysis of the Cove last year and came in with a proposal for doing lifeguards and inspectors for \$19,000.00. She said the Township collected about \$34,000.00 and her idea was to sell beach tags and deposit the money into a dedicated by rider Trust Account if the Township doesn't get a vendor from the Cove RFP. Ms. Dix said she wanted it to be in this budget and if there was an open account on page 38 that could be used for it, she could settle for that. She asked if that door would be closed if it wasn't done before the budget is introduced. Mr. Sasdelli explained there is an existing Recreation Trust Fund that could be used for that kind of activity as long as it is self liquidating but the Committee can't set up a trust fund and then subsidize it with tax revenue. Ms. Dix said the \$34,000.00 would have to be enough to cover the \$19,000.00 in expenses and that sounded like an extra \$15,000.00+ to her.

David Adams said the proposed budget shows a \$2.5 million deficit and the actual gap may be larger because the State Aid is anticipated at the same rate as last year. He said that he thinks everyone agrees that isn't very likely. Mr. Adams said he thinks the Committee should anticipate less building fees, fewer businesses paying taxes, and fewer people paying taxes given the number of empty houses. He said the Township is in difficult times but he thinks it can be fixed with immediate and reasonable steps. Mr. Adams said the proposed budget plans increasing taxes to the maximum allowed by law and additional increases beyond that through loopholes in the law. He commented on the economic down-turn and said the Township's citizens can't afford that. He said he encouraged the Committee to hold the line and have no tax increase. Mr. Adams said that with the revaluation for 2011 and some people might suffer up to a 40% increase in their taxes given the wide disparity in values and the increase this year. He said the operating budget increased over 38% from \$18 million in 2004 to over \$25 million in 2009 and that is out of control expansion to him. Mr. Adams said he didn't know if it included pensions. He said he thinks that continuing to operate by deferring expenses, selling land like Sunshine Park at fire-sale prices, and maximized tax increases is not sustainable. Mr. Adams said he operates a small business; makes tough choices to stay in operation; has cut employee pay; has reduced working hours; has laid off valued employees; took a substantial pay cut himself; reduced benefits and reduced perks and bonuses. He said the township union employees have tough professional negotiators representing them and asked who represents the taxpayers. Mayor Silva said the Committee appreciated Mr. Adams' comments and that there will be more time for him to speak at the public hearing. The Mayor asked Mr. Adams if he was the last meeting to see the budget presentation. Mr. Adams said he was.

2010 Local Municipal Budget - School Tax Deferral Resolution

Mr. Sasdelli said one of the directions he got from the governing body last year was that the Township Committee wanted to slowly wean off of the school deferral. He explained it was \$379,000.00 last year and is down to \$300,000.00 this year. Mr. Sasdelli said he and the CFO would like it to be zero. He said it is being stepped down and hopefully to where they don't rely on it at all. Mr. Sasdelli said the budget couldn't be introduced without passing this resolution first.

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

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

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

WHEREAS, the Township of Hamilton desires to defer \$300,000.00 of Local School Tax as of January 1, 2010.

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

1. That the Township Committee, for the aforementioned reasons, hereby defers \$379,000.00 of Local School Tax as of January 1, 2010 with the understanding that if any of the amounts deferred is used to support the 2010 Local Municipal Budget, such amounts shall be charged to future operations as funds are available.

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

RESOLUTION ADOPTED MARCH 1, 2010.

2010 Local Municipal Budget - CAP Index Ordinance

Mr. Sasdelli said there is a Tax Levy Cap and a Spending CAP. He said the Township is \$1 million under the spending CAP. Mr. Sasdelli explained the Ordinance is for the Spending CAP and that it is not to exceed the Tax Levy CAP. He said that because of the two year banking which he has explained in the past, the Finance Team wants the Spending CAP because if a large ratable came into the Township the Committee couldn't spend the money for roads or something without it. Mr. Sasdelli said that the Finance Team recommended that the governing body approve the Spending Cap and bank it for two years even though they aren't using it now.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1669-2010 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the March 3, 2010 issue of the Atlantic County Record for a public hearing to be held on March 15, 2010.

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

TOWNSHIP OF HAMILTON
 ORDINANCE #1669-2010
 CALENDAR YEAR 2010
 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
 AND ESTABLISH A CAP BANK
 (N.J.S.A. 40A:4-45.14)

WHEREAS, The Local Government Cap Law, N.J.S.A. 40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by Ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Hamilton in the County of Atlantic, finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1% increase in the budget for said year, amount to \$205,115.94 in excess of the increase in the final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW, THEREFORE, BE IT ORDAINED by the township committee of the Township of Hamilton, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2010 budget year the final appropriations of the Township of Hamilton shall, in accordance with this Ordinance and N.J.S.A. 40A:4-45.14, be increased by 1% to a total of 3.5% amounting to \$717,905.79, and that the CY 2010 municipal budget for the Township of Hamilton be approved and adopted in accordance with this Ordinance; and

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BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance as introduced by filed with the Director of the Division of Local Government Services within 5 days of its introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

ORDINANCE #1669-2010 INTRODUCED AND PASSED FIRST READING MARCH 1, 2010

2010 Local Municipal Budget Introduction

Mr. Sasdelli said this is a balanced budget and that it is not short by \$2.5 million. He explained that Page 1 of the Budget document clearly points out that the total anticipated revenues equal the total expenditures. He said to Ms. Dix made a lot of comments about the Township not following Ordinances or Resolutions and explained the Township pays a CPA \$40,000.00 for audits and it has never been written up for not following its Salary Ordinance, Resolution, or any of those things. He said there is nothing in the budget that the Auditor or the Chief Financial Officer who has to certify it have a problem with.

Mayor Silva said the general feeling got was that the Committee is introducing the budget at this point but they still have a long way to go in terms of not having all of the numbers. He said he is sure there will be a lot of lively discussion at the hearings.

Mr. Sasdelli said that by introducing the budget, the governing body was authorizing it to be advertised in the newspaper and available in the Clerk's Office so the public can get a copy of it and look at it and scheduling a special public hearing just on the budget on April 5th. Mr. Sasdelli said he thought the number the Mayor was talking about was State Aid and the governor will be announcing what the State Aid for municipalities is going to be on March 16th. He said that is the only number that is still in limbo. Mr. Sasdelli said there is \$3.6 million for it in this budget and the Committee may have to come back and find \$500,000.00 or \$600,000.00 if the governor says everyone is getting shorted 10% or 20%. He said \$90,000.00 was budgeted for snow removal and \$190,000.00 has been spent so far this year so he has to find \$100,000.00 before anything else is done.

Ms. Gatto asked Mr. Sasdelli to highlight what happens after the public hearing. Mr. Sasdelli said that there is an amendment process after the public hearing and the Committee would foster any amendments based on what they hear from the governor's office, from Trenton, any unexpected events that happen between now and April 5th and public input if the Committee Members hear something that changes their mind. He explained that if the amount of the amendment is over a certain percentage it has to be introduced, advertised and a public hearing held on just the amendment before adopting the budget. He said if it is under a certain percentage, the amendment can be introduced, approved and the budget adopted that night.

Mayor Silva said he thought Deputy Mayor Cain made a good point about looking at all the departments and realizing that they are getting thinner. He said the work load has remained constant if not increased in some respects because the number of employees has diminished. Mr. Sasdelli said the number of employees went from 177 in 2007 to 158 in 2010 and the Township is getting smaller and doing less with less. He said there are longer lines, it takes longer time to answer the phone and longer to get an inspection. Mr. Sasdelli said if \$1 million is cut out of the budget to have no tax levy something will be affected. Mayor Silva said he didn't think any Committee Member takes affront to the comments made. He said he feels that they started to address the some of the issues even if it isn't fast enough for most people. The Mayor said he thinks they all know what they have to do going forward. He said he anticipates a lot of interactive dialog at the next meeting and that it will generate much thought. Mayor Silva said he believes the Township was told to put the Municipal Aid figure in at what it was before but that was before the governor made his comments about the possibility it may not be there. Mayor Silva said he thinks the impact will be felt by every community at every level. He commented on reaching out to the employees early on to share in the effort and things they could do like furloughs. Mayor Silva said the Township didn't know the

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Police Pension was going to go up 19%; that health benefits was going to go up 16%; or that 5 of the largest health carriers in the state reported profits of \$12-\$20 billion while the municipality continues to get raises (in rates) whether you are in a program that someone funds for you or you pay for it yourself. The Mayor said he doesn't think it is one big thing but that it is a combination of a lot of little things that hit everybody every day. He said it will be a wrestling match for the Committee Members when they deal with the numbers but he is confident that everyone sitting on Committee with him has the best interest of the community at heart. Mayor Silva said they are taxpayers also and they feel it too. He referred to Mr. Adams comment about not being able to handle any more tax increase and said he doesn't know what other option there is because people have gotten so accustomed to it. The Mayor said other Members have mentioned that they would love to lower the CAP increase 1% and move in that direction as they go forward. Mayor Silva said he doesn't think any Committee Member wants to take a credit card approach to balancing this budget. He said there will be a lot of healthy suggestions and the Committee knows they will be challenged by what they have to do.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the 2010 Local Municipal Budget be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the March 24, 2010 issue of the Atlantic County Record for a public hearing thereon to be held in the municipal building, Mays Landing, NJ at 6:30 PM or as soon as the agenda will allow on Monday, April 5, 2010.

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

Mayor Silva said the budget will be advertised and there will be a public hearing on Monday, April 5, 2010. Mr. Sasdelli said it will be put on the website now that it has been introduced and copies will be available in Town Hall. Ms. Gatto said all of the previous budget presentations are also on the website to help people who didn't attend the meetings understand the Committee's thought processes. Mayor Silva said all of the Members have Township e-mail addresses and the public should feel free to e-mail them. Mayor Silva commented on the Strategic Planning Committee meetings being advertised and said he thinks the interaction that could be generated prior to the budget public hearing may have a great impact on how they put it together and what some of the plans might be.

There were no Business Registration Licenses to be approved.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the list of the Laureldale Volunteer Fire Department members eligible for 2009 LOSAP credit, as certified by its Chief, be and is hereby accepted:

John Aschenbach	120 points	Matthew Kreutzer	105 points
Donald Bayconich	115 points	Jennifer Lauer	109 points
Antonio Cardona	100 points	John Liberty	115 points
Chris Debiase	115 points	Joseph Maxwell	105 points
Eric Francis	105 points	Eric Moran	130 points
Frank Gabriel Jr.	145 points	Ryan Moran	103 points
Frank Gabriel Sr.	125 points	Larry Murray Sr.	135 points
Scott Hulse	105 points	John Stafford Sr.	137 points
Donald Jarvis Jr.	115 points	Michael Swain	102 points
Donald Jarvis III	115 points	Christopher Tilley	115 points
Evan Kepner	120 points	Shawn Tarbutton	105 points
Jason Kepner	105 points	Norman Tomasello	105 points

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the list of the Mays Landing Volunteer Fire Department Reliance Hose Company #1 members eligible for 2009 LOSAP credit, as certified by its Chief, be and is hereby accepted:

Ken Badger Jr.	213 points	Rich Arroyo	159 points
Shawn Slocum	206 points	Chad Winterbottom	158 points
Dave Connelly	204 points	John Sauerwald	153 points
Mike Perri	203 points	George Spera	152 points
Mike Errickson	190 points	Gene Wellington	151 points
Joe Rogers	188 points	Jay Wyatt	139 points
Scott Lacy	180 points	Mike Reeves	134 points
Larry Birch Jr.	179 points	Dennis Bakker	130 points
Rob Debiaso	173 points	Bobby Hamilton	114 points
Kevin Slater	173 points	Carl Pitale	109 points
Mark Jenigen	168 points	Stacey Wellington	103 points
Greg Montalvo	167 points	Lou DiMartine	103 points
Dave Paloff	163 points		

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the list of the Weymouth Volunteer Fire Company members eligible for 2009 LOSAP credit, as certified by its Chief, be and is hereby accepted:

John Carrigan	205 points	Kos Hossain	135 points
Gary Carlson	205 points	William Philpot	137 points
James Rider	190 points	Jerome Calderwood	131 points
Daniel Santos	180 points	Ryan Raurk	163 points
Joseph Grasso	156 points	Scott L. Erlich	150 points
David Lash	105 points	William Wilkinson	157 points
Daniel Lash Sr.	124 points	Joe Torello Jr.	115 points
Charles Eby	142 points	Steve Czajkowski	137 points
Samuel Litzie II	157 points	Chelsey Litzie	140 points

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the list of the Weymouth Volunteer Fire Company members eligible for 2009 LOSAP credit, as certified by its Chief, be and is hereby accepted:

John Carrigan	205 points	Kos Hossain	135 points
Gary Carlson	205 points	William Philpot	137 points
James Rider	190 points	Jerome Calderwood	131 points
Daniel Santos	180 points	Ryan Raurk	163 points
Joseph Grasso	156 points	Scott L. Erlich	150 points
David Lash	105 points	William Wilkinson	157 points
Daniel Lash Sr.	124 points	Joe Torello Jr.	115 points
Charles Eby	142 points	Steve Czajkowski	137 points
Samuel Litzie II	157 points	Chelsey Litzie	140 points

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

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

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
SAFE AND SECURE COMMUNITIES PROGRAM
RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Hamilton, County of Atlantic, wishes to apply for a project under the Safe and Secure Communities Program, and

March 1, 2010

WHEREAS, the Township Committee of the Township of Hamilton has reviewed the application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Applicant Local Unit of Government, for the purpose described in the application:

THEREFORE, BE IT RESOLVED by the Township Committee that

1. As a matter of public policy the Applicant's Unit of Government wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of new Jersey will receive funds on behalf of the Applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

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

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

RESOLUTION RATIFYING PUBLIC LAND SALE

WHEREAS the Township Committee of the Township of Hamilton has determined the following lands are of no use for public purposes and are not needed for public use; and

WHEREAS said lot does not meet the minimum lot size for the zone in which it is located all contiguous owners were notified by certified mail, return receipt requested, of their right to prior refusal to purchase said parcel by the sealed bid process pursuant to Ordinance #1665-009 and no bids were received; and

WHEREAS said lands were advertised for sale at public auction in accordance with statute in such case made and provided (N.J.S.A. 40A:12-13); and

WHEREAS at a public auction held on February 18, 2010 an offer of Five Hundred (\$500.00) Dollars was made by Adam Cross whose address is 4008-A Ivins Avenue, Egg Harbor Township, NJ 08234; and

WHEREAS no higher bid was offered; and

WHEREAS Adam Cross requested in writing that title be conveyed to him in the name of his company, The Carpenters Hands, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer of Five Hundred (\$500.00) made by Adam Cross for the following described parcel of land be and is hereby accepted and the sale of same to him is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOT NUMBER</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
1139/Lot 2	.86 acre +/-	Holly Street

SPECIAL CONDITIONS IMPOSED: NONE

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcels to The Carpenters Hands, Inc., 4008-A Ivins Avenue, Egg Harbor Township, NJ 08234, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the February 3, 2010 and February 10, 2010 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

March 1, 2010

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE #0112-33-035-008

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 0112-33-035-008, heretofore issued to North Country BBQ Ventures (Hamilton) LLC to Famous Dave's Ribs, Inc., trading as Famous Dave's, for premises located at 360 Hamilton Commons, Unit 37, 4315 Black Horse Pike, Mays Landing, New Jersey; and

WHEREAS, the application form submitted is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the authorized municipal authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, does hereby approve the person to person transfer of aforesaid Plenary Retail Consumption License Number 0112-33-035-008 to Famous Dave's Ribs, Inc., trading as Famous Dave's effective March 3, 2010 and the Township Clerk is hereby directed to endorse the license certificate to the new ownership as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Famous Dave's Ribs Inc. for premises located at 360 Hamilton Commons, Unit 37, 4215 Black Horse Pike, Mays Landing, NJ effective March 3, 2010."

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

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

RESOLUTION

WHEREAS, transfers are permitted between budget appropriations during the first three months of the year for unexpended balances of the preceding year to meet bills incurred during the preceding year;

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that transfers between year 2009 Budget Appropriations be made as follows:

<u>Account No.</u>	<u>Account Title</u>		<u>From</u>	<u>To</u>
26-290-2	Public Works	Other Expenses	\$13,300.00	
20-145-2	Collection of Taxes	Other Expenses		\$ 3,500.00
20-165-2	Engineering Services & Costs	Other Expenses		5,000.00
36-472	Social Security	Other Expenses		4,800.00
		Totals	\$13,000.00	\$13,300.00

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

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

**Resolution Designating the Month of March 2010 as
"Women's History Month"**

Whereas, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

Whereas, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

March 1, 2010

Whereas, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

Whereas, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

Whereas, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

Whereas the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- ◆ ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- ◆ identify, implement, measure and coordinate programs that address the needs of NJ women.
- ◆ engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

Now, therefore, be it resolved by the Governing Body in the Township Committee of the Township of Hamilton, Atlantic County, State of New Jersey, that March 2010 is designated as "Women's History Month" under the National Women History Project's 2010 theme: *Writing Women Back Into History*.

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

Remington Vernick Walberg proposal for engineering services re: Skip Morgan Drive culvert Scour Hole and Sand Filter

Mr. Cain questioned exactly what the Committee is doing; if the township was getting the best deal in this today's numbers; and when the proposal was prepared.

Mr. Smith said the proposal was prepared several months ago and is for work required by the Bureau of Dam Safety in conjunction with placement of the culvert on Skip Morgan Drive. He said when the culvert was originally replaced there was not an approved rip-rap boot at the end of it and the area had to be sized according to the flow coming from the culvert. Mr. Smith said that when the original plans were done it was tried to be expedited as an emergency permit and getting through the permit process took a long time. He said the scour hole at the end of the downstream end of the culvert is to prevent any erosion. Mr. Smith said it wasn't included as part of the original design plan and when the calculations to determine the area of erosion were done it turned out to be relatively large 30'x35'. He said they are preparing plans and specifications to go out for public bid on construction of the scour hole which is the first phase. He explained there was some seepage around the culvert after it was put in and some things were done to stop it but the Bureau of Dam Safety requested a filter diaphragm as an aid to prevent additional seepage around the culvert. Mr. Cain asked if that was required in the beginning. Mr. Smith said he thought some seepage was observed after the culvert was replaced and the Bureau of Dam Safety required this after the culvert was constructed. He commented on being at a slight disadvantage because he was not involved in construction of the culvert. Mr. Smith said there is a laundry list of things D.E.P. is requiring in conjunction with the culvert but, based on discussions with Mr. Sasdelli and Mr. Morley, they are only proceeding with issues the Bureau of Dam Safety wants addressed immediately. Mr. Cain questioned how the Township can be required to do this now when they just recently paid for it to be done. Mr. Sasdelli said it isn't a new requirement. He explained that the Township was required to do it before but in some respects they only did the bare minimum last year so Mr. Morgan could put the sluice gates up and fill the lake because they didn't want him to lose another summer camping season. Mr. Sasdelli said the

March 1, 2010

D.E.P. now has a list of studies and things that they want done and they are saying the Township has to have an action plan. He said that when he asked Mr. Smith what the minimum the Township has to do so that Mr. Morgan can fill the lake and have his business, the answer was the scour hole and the filter.

Ms. Gatto said roads back there were closed which was a huge safety concern and inconvenience to the residents. She asked Mr. Sasdelli to give some of the background on this matter to bring the full Committee up to date on the issue.

Mr. Sasdelli said he understood what the Deputy Mayor was saying because he, Mr. Morley and Mr. Smith already discussed what would happen if the Township didn't do anything and the answer is that Mr. Morgan wouldn't be able to get a permit to raise his lake to run his business. Mr. Cain said it seemed to him that something was missed the first time around and asked if there is someone who is responsible for this not happening earlier. He asked if the Township has any recourse if that is the case because he sees another \$22,000.00 bill for the Township in addition to the work that needs to be done. Mr. Smith said this is only the first of many steps to coming in full compliance with what the D.E.P. is requesting.

Mr. Palmentieri ask if it was fair to summarize and say that the job was broken up into incremental pieces and prioritized to expedite opening the road and not impact someone's local business and that this is just one of a series that could have been bundled together which would have delayed the project for a year or more. Mr. Sasdelli said it was and explained that Dan DePasquale was the project Manager for this but he isn't with the engineering firm anymore. He said Mr. DePasquale knew the details of what had to be done, represented the Township at Dam Safety and the Township went with his guidance because he was the municipal engineer at the time.

Mayor Silva asked if water is still seeping after the sluice is shut and the lake is filled. Mr. Smith said a weir controls the level of the lake and there is nothing in place right now so if there is a rain upstream it runs right through the culvert. He explained Mr. Morgan slowly puts timbers called stop logs in place when he wants to raise the lake level but if there is a rainy time and the lake gets too high it over flows and water constantly runs through the culvert.

Ms. Gatto questioned the impact of delaying this and if the money was previously set aside for this project. Mr. Smith said the Township wants to get the immediate issues with Dam Safety addressed otherwise there will be an adverse impact. Mr. Sasdelli said the Ordinance was for general Public Works Projects that are completed; there is money left in Ordinance 1433-2002; and the CFO has certified the funds.

Mayor Silva questioned the time frame for completion once the contract is awarded and if it will impact movement on the road. Mr. Smith said it would probably be a 30-45 day process but there are constraints in the original permit on when it can go to construction. He said there would be a construction area and probably some coned-off areas but it won't close the road.

There being no further questions or discussion, Mayor Silva called for a motion.

Ms. Gatto 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 proposal from Remington Vernick Walberg to provide engineering services related to the Skip Morgan Drive Scour Hole and Sand Filter project at a cost of \$22,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that funding for the services shall be from Capital Ordinance #1433-2002.

RESOLUTION ADOPTED WITH MEMBER CAIN VOTING "NO", MEMBERS GATTO, KESSELMAN, PALMENTIERI AND SILVA VOTING "YES", NO MEMBER ABSTAINING.

Mr. Cain moved, seconded by Ms. Gatto, that the resignation of John Garton as the full-time Fire Prevention Inspector effective at the close of business on March 1, 2010 be and is hereby accepted.

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

March 1, 2010

Conversion full-time Fire Prevention Inspector position to 2 part-time positions

Ms. Gatto said part-time employees do not get benefits and that she clarified with Mr. Sasdelli today that 40 hours will be sufficient to cover the work volume. Mr. Sasdelli said one of the full-time inspectors was laid off last year and the job that was being done in 120 hours is already being done with 80 hours. He explained he is trying to split the one full-time job into two part-time jobs so the Township can save the health benefits, pension, sick and vacation time.

Mayor Silva said an offer was made to the volunteer fire companies that any members that have the certification and are interested could apply for it since they are familiar with the Township and travel throughout the community. He said the Township is trying to get the most qualified person at the most reasonable hourly wage. The Mayor said he thought the Township was looking to get certified individuals that have the ability to complete the work in a timely manner so it doesn't get backed up. Mr. Sasdelli said the Mayor was correct and that the range for the position is from the low of \$15.00 an hour to a high of \$30.00. He said he recommended \$21.00 for the one with 5-years experience and a higher level of certification and \$19.00 for the other because it isn't unskilled labor. He said that they have to be state certified Fire Prevention Inspectors; they go into the mall, apartment buildings and multiple dwelling buildings. Mr. Sasdelli said he looked at what other towns are paying and is trying to price it at the middle to the bottom of the market to see what it would take to get someone with the level of experience the Township needs. The Mayor asked if 80 hours would be sufficient to cover the needs of the department based on the volume. Mr. Sasdelli said he didn't know but would like to try to see if it can be done with 80 hours. He said that division is telling him they have more activity now than when they had 3 inspectors and 120 hours. Mr. Sasdelli said they are getting less than they asked for but he thinks they can get by with it. He commented on there being new State requirements; new information about common areas in apartment buildings; having to do different things in hallways, stairwells, bathrooms and any common areas. He said the staff is being reduced but he would like to see how much they can get done and it can be revisited at the end of the year if they are short.

Dr. Kesselman questioned the savings with the recommended changes. Mr. Sasdelli the savings by converting from 1 full-time to 2 part-times it is about \$12,000-\$15,000.

Ms. Gatto said the question wasn't if it can be done with 80 hours, it has to be. She said she asked if it could be done in 60 to try to get smaller but after getting the data today she supports the recommendation for two part-timers.

Mr. Sasdelli said this is supposed to be a dedication by rider as a self-liquidating utility because it is paid for with the fire permit fees. He said at this level costs have been reduced and if the revenue continues coming in at the same level the Township will be spending less money but he will have to wait and see.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the existing full-time Fire Prevention Inspector position is hereby authorized to be converted to two (2) part-time positions, not to exceed 20 hours per week.

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

Appointment of John Garton as a part-time Fire Prevention Inspector

Ms. Gatto said she would move for the appointment of Mr. Garton because his performance review shows that he is one of the best Inspectors. When casting his vote, Mr. Cain said would vote yes based on Mr. Sasdelli's comment regarding Mr. Garton's experience and his State certification and he thinks it justified \$21.73 per hour.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that John Garton be and is hereby appointed a part-time Fire Prevention Inspector at \$21.73 per hour, not to exceed 20 hours per week, effective March 2, 2010.

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

After the vote Mr. Sasdelli explained that Mr. Garton is an excellent employee and a volunteer fireman in Millville. He said Mr. Garton was hired as a paid fire fighter in Millville where the schedule is 24 hours on/72 hours off so he will still have ample time to come work here for up to 15 hours. He said the Township would like to have him if he is willing to do it because he knows the Township's businesses and he did 1000 inspections with zero complaints about him. Mr. Sasdelli said \$21.73 is his current hourly rate.

Authorization to advertise/hire a second part-time Fire Prevention Inspector

Mr. Cain referred to Ms. Dix's question about starting salaries and asked what the starting salary for this position is. Mr. Sasdelli said it is \$15.00 an hour. Mr. Cain said he didn't see why it wouldn't start at \$15.00 an hour in the times the Township is facing.

A motion was made and seconded to advertise the position at \$15.00 per hour.

DISCUSSION ON THE MOTION: Mr. Palmentieri asked if the motion could be made "not to exceed \$19.00" to give Mr. Sasdelli some latitude and so he wouldn't lose a good person for \$1. or \$2. an hour. Mr. Sasdelli said one of the most important things with inspectors is their demeanor and personality, not the piece of paper they have from the Inspections Agency. He said he is looking for their demeanor, willingness, how they approach somebody and their personality because the Township is sending them into our businesses and they could potentially close a business and he wants a little leeway if it is the right personality, which the Public Safety Committee will help determine. Mr. Palmentieri said they are representing the Township. He explained his comment was to have the motion amended to make it up to \$19. an hour to give Mr. Sasdelli the flexibility of not losing a good person. Mr. Cain said that being in business he understands the value of spending an extra dollar to get the right employee. He said his thought was that the Township Committee has to approve the final appointment and it has to be advertised anyway so if it is advertised at \$15.00 an hour and someone appropriate can't be found for that money Mr. Sasdelli will come back and tell the Committee what he has to spend on someone. He said he didn't have a problem with it because he trusted Mr. Sasdelli's discretion but he thinks it should read that the starting salary is \$15.00 an hour. Mr. Cain said that if Mr. Sasdelli feels in his expertise that the Committee has to spend a few extra dollars for the right person, he can accept that. Mr. Palmentieri said he thought Mr. Sasdelli already looked at the market and that is why he recommended \$19. Ms. Gatto said in the private sector you can negotiate the extra dollar or two but the Township Committee has to stipulate the rate now so she thinks Mr. Palmentieri's "up to \$19" is reasonable to give that flexibility. She said she thinks Mr. Sasdelli sees the Committee's direction and would come back with why he wants to go with \$15. or \$17. for the recommended candidate but he will try to stay to the lower end.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise for a second part-time Fire Prevention Inspector at an hourly rate not to exceed \$19.00 per hour and not to exceed 20 hours per week.

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

Ms. Gatto 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 February 16, 2010 regular meeting be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$3,658,536.47 as of February 25, 2010.

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

March 1, 2010

Reports

Administrator: Mr. Sasdelli reported working with Mr. Morley on a pothole abatement plan and said there is now a place on the website for reporting potholes; there is a scroller on Channel 2 with a phone number to call; and an overtime crew was out on Saturday because some potholes were craters. Mr. Sasdelli said that may be done in the future weather and dollars permitting. He said about 25 tons of patch have already been used. Mayor Silva commented there being less traffic on Saturday mornings and said he saw other municipalities doing the same thing. The Mayor referred to Ms. Gatto and Mr. Cain's comments about needing an assessment of the kind of repairs needed when they get to the capital portion of the budget so it can be laid out systematically and maybe considering section paving instead of paving a whole road so more of the bad areas can be done quicker. He said it is a real safety hazard that everyone is concerned about. Ms. Gatto said Mr. Morley is working on the assessment and updating the pavement management plan. She said a resident suggested an alternative to contracting out some of the hot-patching. Mr. Sasdelli said this is an example of it not always being the hourly rate or that someone was given a raise, sometimes the work rules are restrictive. He said Dr. Kesselman saw that when reviewing the union contracts. Mr. Sasdelli said he would like to have the ability for Saturday to be a regular work day so you don't have to pay overtime. He said those are the kinds of things that the Township can do and look at when trying to save dollars. He said that even though they got raises, the Township is saving more money than what the raises were by having crews go out on Saturday

Mr. Sasdelli said the Township pays \$1 million for insurance and the Committee appointed the following JIF Team: Mr. Sasdelli, Fund Commissioner; Ingrid Perez, Alternate Fund Commissioner; Mary Kelly, Claims Coordinator; Lisa Hedrick Safety Director. He reported on the awards received by the Township at the annual JIF Safety Awards Meeting. (1) out of 44 municipalities, the Township won the Gold Award which is a plaque and \$3,050.00 that can be spent on the employees. Mr. Sasdelli said the Township received this award because they do job-site observations; have an accident investigation board; conduct safety inspections; attended continuation training; and have a light-duty program; (2) out of 45 municipalities there were 17 nominations for a Special Recognition Award and Lisa Hedrick won it for running the Fitness Challenge as part of the Wellness Program; (3) the Township was also recognized for its Police Department being accredited. He said that is significant not just because of the professionalism it takes but because the Township got a \$1,000.00 grant for it, a 5% premium reduction and JIF reimbursed the Township about \$2,500.00 because JIF paid 50% of the accreditation fee; (4) Chief Tappeiner was appointed to the Police Ad Hoc Committee which is a committee of Chiefs who look at Risk Management in police departments in all 44 towns; and (5) the Township received \$1,500.00 because all Township Committee Members attended Risk Management Seminar. Mr. Sasdelli said there were very few towns that had 100% participation by their governing body. Mayor Silva commented on the employees having 179 days without lost-time accidents. Mr. Sasdelli said that went into the Gold Award. Dr. Kesselman asked how many towns got the Gold Award. Mr. Sasdelli said he didn't know but he does know that there are Bronze, Silver and Gold Awards. Dr. Kesselman asked how many Police Departments in the County are accredited. Chief Tappeiner said there are 3 or 4. Dr. Kesselman said he didn't know the Department went through that process. He said it is significant and impressive. Ms. Gatto said 179 days of no-lost time accidents is incredible. She said Lisa is going to do another Fitness Challenge in the spring and the Township will get another 5 points from JIF for doing it. The members thanked Lisa.

Solicitor: Mr. Bell had nothing to report.

Engineer: Mr. Smith had nothing to report.

Township Committee Members:

Ms. Gatto reported she did a Face Book page on the Strategic Planning Committee following the last meeting and encouraged the public to get involved. She said there was an article in the Press about other government entities getting into that. Ms. Gatto said there were 96 fans in 9 days and she hopes it will continue to grow the Township website is the primary means of informing the public. Ms. Gatto commended Dr. Kesselman and Mr. Cain on the first Strategic Planning meeting. She said it was nice to see the residents come out and give their input. Ms. Gatto said she hopes they will continue to come out and that more residents will come out.

Mr. Cain thanked the residents that came out and voiced their opinions. He said a lot of the Township's strengths and weaknesses were pointed out. He said he looked forward to the remaining two more meetings, one encompassing Laureldale and Cologne and one encompassing Mizpah and Weymouth.

Mr. Cain asked if anything had been received from the County on the Weymouth Bridge time frame. Mr. Sasdelli said he hadn't received any recent update and he will ask Mr. Smith to get it from the County Engineer.

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Mr. Cain said Hamilton Commons activated the pump out of necessity and he is concerned about the basin. He said that he brought it up to the engineer for the Gravelly Run Square project across the street. Mr. Cain said he is concerned that at some point the Township will be alleviating a problem for Hamilton Commons by pumping the water under the road into the Gravelly Run Watershed and flooding the homes back in the Mays Landing Golf Club area. Mr. Cain said that is unacceptable to him and he thought the testimony at the Planning Board last week was a little vague on whether or not that could happen in the future. Mr. Cain said he accepts it as an emergency procedure now because the Township doesn't want the water pooling on 322 but he wants Mr. Smith to stay on top of it and he will stay on top of it from a Planning Board stand point. He said Hamilton Commons' problem remains their problem and he thinks Gravelly Run Square will handle its own. Mr. Smith said there are other approvals they need before they can do that. Mr. Cain said he understands they aren't going to increase the size of the pipe but his concern is pumping the water to the other side (of 322). He said the Township knows they have a failed basin there and he wants to be sure they fix it themselves instead of creating a problem for someone else in the other area.

Mr. Cain said he heard the Wheaton Project hoped to come to the Planning Board in February but now is hearing it may be in May. He expressed his concern about the overall condition of the site. Mr. Cain said those properties will be included in anything that stems from the Strategic Planning or revitalization stand point. He commented on there being a major fire there and asked if the Township knew whether the developer had insurance. Mr. Cain asked if there was any to force somebody to start cleaning it up. Mr. Sasdelli said he would consult with the Solicitor on that. He said it is a Redevelopment Area and the Township has a developer. Mr. Cain said he is concerned if there is a potential hazard there; that it is unsightly; that the residents are stuck with looking at it on a daily basis; and he doesn't want to see it become the responsibility of the taxpayers.

Dr. Kesselman asked Chief Tappeiner to comment on the timing of the McKee Avenue and the Leipzig Avenue lights report. The Chief said this has been an ongoing issue for the past several years and when the State inspected them in previous years they felt it was fine. He said the Police contacted the State again; they came out; and they have developed a larger project to time all the lights in Hamilton and Egg Harbor Townships and throughout that whole corridor. Chief Tappeiner said they are also going to look at the McKee Avenue light when they do it. Dr. Kesselman asked what the MAX 3 if all else fails option they offered was. The Chief said it sounds impressive but he has no idea what it is. Dr. Kesselman said the Township request wasn't rejected; the State acknowledged there might be an issue; and they are looking for alternatives.

Mayor Silva asked if the Chief looked forward to the new legislation allowing the municipality to adjust speed limits and timing devices. Chief Tappeiner said he does. He commented on the Township having sent an ordinance changing speed limits to the State and it sat there for years. The Chief said this legislation gives the Township leeway to address some of those issues on its own. Mayor Silva questioned how it would be handled. Mr. Sasdelli explained an engineer's certification is required and the Township would initiate it through the Public Safety Committee with the Chief making recommendations to them and if the governing body wants to pursue them, they would authorize the engineer to do the certification. He said he wouldn't want to pay the engineer to do certifications on roads the governing body didn't want to change the speed limits on.

Dr. Kesselman reported there were 58, including all the Township Committee Members, at the first Strategic Planning Committee Meeting held at the Mays Landing Fire Hall on February 23rd. He said several of them were present at tonight's meeting. Dr. Kesselman reported the meeting lasted 2 hours and they conducted a SLOT analysis (identification of the strengths, weaknesses, opportunities and threats). He explained they want to give the other areas of the Township an opportunity to be part of it without seeing what preceded them before that information is given out to all of the public to see if they get different information depending on what part of town they come from. Dr. Kesselman said after all three meetings they will bring everyone together. He said he was impressed with how much was accomplished by the residents and how insightful they were. He said there were a lot more strengths than weaknesses; people recognized the external threats; they also recognized opportunities. Dr. Kesselman announced the next meeting will be on March 11 at the Cologne Fire House.

Dr. Kesselman said the approach to this budget has been nonpartisan as a group. He said he didn't want to focus on the non-union employees since they are the smallest portion of the work force numerically and financially. Dr. Kesselman other matters do have to be addressed and it isn't just starting and ending salaries. He said there a lot of different factors in contracts and they will be looked at at the appropriate time. Dr. Kesselman said that will also help eliminate some of the structural deficit and the public can rest assured the Committee will be vigilant in assuring their best interests are taken into consideration in a bipartisan way. He said it isn't easy when you inherit something and it isn't a blame game. Dr. Kesselman said the Committee has to start by taking incremental

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steps and you do have to look at other public entities when you look at a the decrease in the Township work force in two years. He said the primary purpose of the Township is to provide services and the reductions or moves like the ones tonight are not insignificant compared to surrounding municipalities. Dr. Kesselman he couldn't take credit for it, it was predecessor Committees and this Committee and successor Committees will continue taking steps. Dr. Kesselman said the budget isn't being approached in a political fashion, it is being approached as five interested resident similar to those in the audience tonight.

Mr. Palmentieri said he thought everything was already said.

Mayor Silva read portions of the response received from Assemblymen Amadeo and Polistina thanking the Committee for sharing their State Mandate/State Pay resolution; saying the governor signed a number of executive orders that will benefit municipalities in situations similar to Hamilton Township and ordering that all new mandates must first be approved by the Governor or Lt. Governor and have a revenue stream associated with them. The Mayor said that is significant because the past mandates without any revenue stream left the municipality with raising taxes and that he thinks it is the beginning of a lot of good things that could happen. Mayor Silva said he thought it was important that the Committee overwhelmingly passed the resolution and that it is another segment in addressing the budgetary needs.

Public Comment

Lorraine Granese commented on Mrs. Fieni doing a great job of outlining the Court procedures for collecting fines and stating they are using every remedy allowed by law and said they have followed the same procedure for many years and are collecting less money. She asked a police officer could arrest if he came to her door because she owed the Court \$2,000.00 and there was a bench warrant out for her. Chief Tappeiner said "yes". Ms. Granese said they aren't using every remedy then. She commented on the computer system not being able to distinguish defendants based on where they live and said that is clearly a program failure. Ms. Granese she didn't know if it was an antiquated system here or if every court in the state used the same program. She said if they were able to pull defendants out by zip code they might have a chance of collecting some of the money. Ms. Granese said it is almost \$2.5 million; she thinks the Township has become complacent; and she thinks they have to change the way they do things. Ms. Granese commented on not knowing that the court has to give defendants payment plans if they want it and questioned who determines how long the payment plan will be. Mr. Bell commented on having been a County Prosecutor before going into private practice and said a lot of courts have uncollected revenue. He explained that a lot of those people qualify for Public Defenders and they have to be given a payment plan if they tell the judge they don't have the money. Mr. Bell commented on the Judge doing video arraignments and said if they don't have the money, they could end up serving their time in jail and get credit for that time or they could come up with some sort of payment plan. He said it is unconstitutional to lock people up because they can't pay. Mr. Bell said if a bench warrant is issued the information goes into the NCIC computer data base but you have to look at Law Enforcement's priorities. He said there are a lot of uncollected fines but it is because of a scarcity of resources. Ms. Granese said there is no incentive to pay and if they only collect a small portion of the total fines assessed you have to write 10 tickets in the hope that 2 will pay. She said she also didn't know about the Start Fresh Program where even though you aren't paying you aren't considered delinquent. Ms. Granese said that out of over 500 municipalities somebody has to have come up with a better way to collect that money. Ms. Gatto suggested contacting the League of Municipalities or DCA to find out what practices there are out there. Mr. Sasdelli explained the Administrative Office of the Courts (AOC) regulate the court and could be contacted for guidance. He said it is not the goal of traffic enforcement to raise revenue but the Township made \$1,000,096.00 in 2009. Mr. Bell explained the AOC is a judicial branch of State government and a lot of what the Township can do will be overseen and controlled by them so the governing body might not be able to do something they want to if the judiciary guidelines say something different. He said it is a separation of powers issue. Mr. Sasdelli commented on the letter he got from them last year when a Court Clerk was laid off and said he told them that he would bring her back when they paid her salary. Chief Tappeiner said it is a State System that every court uses and it is more complicated that Ms. Fieni's memo shows. He said some of those fines were 15 years old. Ms. Granese said the system can't tell where these people live. Mr. Palmentieri said he didn't think that was accurate and asked the administrator to get more details on it.

Peg Capone thanked Mayor Silva, Dr. Kesselman and the Sandman family for their donations to Sharon Keys raiser that she gave out fliers about at the last meeting.

Mrs. Capone commented on copying Mr. Sasdelli on e-mails between her and Inspector Primavera and said she felt the Inspector made an inappropriate and inaccurate statement in his e-mail to her stating that he hadn't heard from her in weeks or months about the issue of the gas meter on her building on Main Street.

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Mrs. Capone said Mr. Sasdelli stated in his e-mail response to her that it isn't his and the Mayor's job isn't to interfere with enforcement of the State Fire Code. Mrs. Capone said the purpose of her e-mail had nothing to do with the code enforcement. She asked if it was Mr. Sasdelli's job to handle an inspector's demeanor and how they relate to the public. Mr. Sasdelli said it was. He said it looked to him like Mrs. Capone was asking him and the Mayor to interfere with the inspector's ability to inspect. Mrs. Capone said she felt the Inspector's demeanor and accusations were false and she brought it to Mr. Sasdelli's attention because he should know how the employees are interacting with the public. Mrs. Capone said she learned from Mr. Senalski from South Jersey Gas that the law Inspector Primavera quoted was on the books for 10 years. She said the Gas Company got a permit 7 years ago, made the connection and it didn't fail inspection. Mrs. Capone said she found it curious that the Inspector was on their property many times during the renovation and annual inspections and never saw it until this year because the meter is the only thing on the Hanthorn Street side of the building and is visibly noticeable to anybody. Mr. Sasdelli asked if Mrs. Capone was saying the violation should have been caught sooner. She said she wanted to point out that when the gas company made the connection to the meter it didn't fail but it suddenly it became the Capone's issue to address this year.

Mrs. Capone said the budget has grown every year and government is getting more expensive; salaries have to be looked at; what people are being paid for; and where the revenue comes from. She said the Township saved \$200,000.00 by laying off 9 employees last year but they gave \$470,000.00 in raises so they didn't gain anything. Mrs. Capone said she wasn't saying anything about the present Township Committee but the wages have been growing tremendously and it has to stop. She said health care has gone up and the Township is always looking to the public to pay for it. She said budgets don't shrink and once government takes it from the public it never comes back. Mrs. Capone said the Committee has to consider that.

Cindy McKnight, a resident of Hickory Street, said she is concerned about the increased use of the soccer field by the Lacrosse Club. Mrs. McKnight said the field is about 3/4 mile down the street in a residential neighborhood and the street isn't equipped to handle the amount of traffic. She commented on seeing the soccer club grow during the 27 years she has lived on the street and said that is good for the children but not for the neighborhood. Mrs. McKnight commented on the speeding being a safety issue and how the Police Department has tried to help but it isn't realistic to think they can keep an officer there all of the time. She said her mailbox was shattered by a parent returning from taking her son to the field and it was fortunate no one was getting the mail at that time. Mrs. McKnight questioned the possibility of another field being used for Lacrosse. She said Soccer started out only on Saturday and now it has expanded to Saturday and Sunday and practices during the week. She said that it will be used more during the week with Lacrosse and if that program expands it will be every night of the week and weekends.

Doug Hand said when he moved to Hickory Street 25 years ago there was one small field and now there are 3 large ones. He said no parking was ever provided so people are parking on the shoulder of the road all the way to Cleveland Avenue now. He said traffic is bumper to bumper especially on weekends. Mr. Hand said speeding was out of control at one time but the police have done a great job. He commented on knowing of 2 dogs being killed there and his daughter was almost hit by a car when she was 8. Mr. Hand said he agreed with Mrs. McKnight that it is not the place for that kind of activity and he doesn't know why the fields were expanded knowing the situation that is there. Mr. Hand said school buses with teams are coming down there now. He said the only other place he knows of where they can do this is the one in Cologne. Mr. Hand said Hickory Street isn't the place for recreation fields that keep expanding. Ms. Gatto said she has been staying on top of this since it was brought to her attention by her neighbors. She said parking is a nightmare; it needs to be paved and lined. Ms. Gatto said she has asked for a status report on Lacrosse sign ups and whether they will move forward. She said the use of facilities policy that they began working on last year is the bigger issuer and she has to bring the new Recreation Liaison up to speed on it then the Township Committee will have serious discussions and decisions to make. Mr. Hand said a flier was put in his mailbox saying it was starting very soon so unless a decision is made rapidly, the Township may be stuck with it. Mr. Sasdelli said the Township owns the property so they will not be stuck with it. Mr. Hand commented on seeing Township working there; 20-wheel private contractor trucks day after day dumping top soil there; and then hydro-seeding. He said he imagines that costs a great deal of money that could have been spent elsewhere instead of building up a field that shouldn't have been built there in the first place. Mr. Hand expressed his opinion that somebody didn't do their job by putting 3 fields in a landlocked situation with no place to park and no facilities to speak of. Mayor Silva said the Township has been trying to hold recreation entities to what was in the survey and study done in 2008 and stick with it when requests come in. The Mayor commented on the pot of money being only so big and said Mr. Hand was right that if they should look for another site if they are going to have those kinds of activities and add new to what already exists.

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Aline Dix said she thought it should be pointed out to Mr. Hand that the money spent on those things was paid by developers in lieu of putting a playground in their developments and isn't coming from the budget. Ms. Gatto said the Soccer Club has been very effective in getting sponsorships and donations to get the work done.

Ms. Dix questioned the total budget for recreation and said it is probably quite large because Public Works salaries have to be included. Ms. Gatto said the budget salaries and wages line item for Community Education and Recreation is \$87,600.00 and Other Expenses is \$93,075.00. She said Social Services go along with that. Ms. Dix said she was looking more for the physical property costs because a complaint was made to her again about the overhead lights being left on. She said she received an e-mail spread sheet that shows what is being paid for electric is astronomical, \$600-\$800 a month for some of the facilities. Ms. Dix suggested the light be removed if they don't shut them off and do what they are supposed to do. She said it isn't fair for them to have empty fields with lights on when other people can't have things like the Cove. Mayor Silva said street lights cost about \$220,000.00 a year. He said it is obvious that if people are going to use facilities maintained by the Township they have to adhere to the policies that are set and he agreed with Ms. Dix that if they disrespect that the lights should be shut off. Mr. Cain suggested Mr. Morley verify that the lights are on timers so they can be shut off at a set time. Mr. Sasdelli said some are on timers and some people have keys to them but he will speak to Mr. Morley about it.

Ms. Dix commented the Gas Company applications for street opening permits being sent to the Township Clerk who forwards them to the Township Engineer who sets the inspection and review fees. She said she didn't know how long the gas meter was on Hanthorn Street (Mrs. Capone's building) but in theory the Engineer reviews all applications for gas installations; is paid to review and inspect it; and should be okaying the location of gas meter. Ms. Dix said the responsibility should not be on the taxpayer who is having it installed because they have no say in where the meter or pipe will go. Mayor said they had a choice to put a bollard there. He said Mrs. Capone wanted a communicative understanding in recognizing what she was dealing with and that she would take action to correct it. Mr. Smith said he was the Engineer from 1999-2007 and he does not recall signing off for a street opening permit for that location. He explained that the engineer reviews street opening permit specifically for the opening and restoration in the public right of way only because, typically, the meter is on private property and not in the right of way. He said placement of gas meters is up to the gas company and if a new service was installed they would have to get a permit from the Construction Office.

Harry Rogers said that when he brought up the issue of insurance money on the Wheaton site shortly after the fire because it had the appearance of someone taking the money and abandoning the project he was told the Township had no recourse to look into it. Mr. Sandman explained insurance is a contract strictly between the property owner and the insurance company. He said when it comes to fire damage there is insurance that pays cash value and insurance that pays replacement costs. Mr. Sandman said he can guarantee that it was not the replacement kind in this case because there is a proviso that it be done within a stipulated period of time. He said actual cash value is based on valuation figures and is to compensate the owner and he is free to do what he pleases with it. He agreed the property is sitting there in a dilapidated state and getting worse. Mr. Rogers said the Township spent a lot of money in equipment and manpower to put the fire out and questioned if it was ever billed to the property owner. He said the taxpayers are silent partners in this because the property is under redevelopment and will catch the out fall of the project when it is abandoned whether they get it through taxes or other means. Mr. Rogers said that there is a possibility the taxpayers will be stuck with remediating the site and completing the demolition. Mr. Rogers said he knows some work was done on the hazmat issues and isn't convinced that they were fully addressed. He expressed his opinion that, as stakeholders, the Township should have recourse to any proceeds of the insurance settlement. Mr. Sandman said they don't. He said there is a remedy and he recently gave Mr. Sartorio a memorandum prepared by Mr. Bell about what the Township lien rights are when you go onto property and alleviate a potentially dangerous situation. Mr. Sandman explained there are different remedies to make a property owner do something or let government do it and lien the property. He said liening the property becomes quite an issue if the property has environmental issues. Mr. Sandman explained the remedy for unpaid taxes is through the In Rem Foreclosure Statute; the Township would sell the Tax Sale Certificate if they can and if they can't they would go through the In Rem process and get title to the property. Mr. Sandman said he didn't know anything about environmental law except that there are strict liability statutes that go backward in the chain of title and almost anyone who was ever on the property who contributed to the pollution is strictly liable. Mr. Rogers asked if the Township can go back against the owner for any money expended to put the fire out or, anything Public Works had to do to repair a fence to secure the property. Mr. Cain asked what remedy there would be to force the owner to do something if there was no fire and the property continued to deteriorate. Mayor Silva said there may be public safety issues. Mr. Bell said a demolition permit would have to be obtained if it is so dangerous that it had to be destroyed but under the Township Ordinance

that power was ceded to the County and they would have to file a petition with the County to get the process started and the County would run it. He said if it is determined to be unsafe the Township's ultimate remedy is to put a lien on the property as opposed to getting a money judgment against the owner. Mr. Bell explained what is involved in getting a demolition lien and said there are costs involved. Mr. Bell said he thought different strategies that can be pursued and cost benefits under different types of demolition/repair statutes should be discussed in executive session before entering into that process. Mr. Sandman suggested all Members get a copy of Mr. Bell's memo. Mr. Cain said he was surprised he didn't get a copy as the Liaison to that department and since he has asked about it several times. He said he would like to start the process to start cleaning that property up. Mr. Sandman explained a qualified person would have to inspect the property and give a preliminary report because the Township Committee has to establish that it is a danger to people or some other public policy danger; once that that finding of has been established, the process starts. He explained the governing body would analyze the facts presented to them photographically and through the report, make a determination, and start the process which starts with notice to the owner for the right to cure. Mayor Silva commented on being lead to believe the reason it wasn't moving ahead as quickly as they expected was because they were trying to clean up the site and there were delays that prevented them from doing anything else until the site was cleaned up. The Mayor asked if dialogue could be opened up with the developer to find out exactly what his present day intentions are; what he plans to do; and get a realistic time line. Ms. Gatto said that is exactly what she wanted. She said she felt the governing body was pushing the gas pedal when they don't know the status of the project. Ms. Gatto said she thought after the last update there was still good communication and relations with the developer and that they had intentions of developing the site. She questioned what she was missing because the governing body harps on being business friendly, wanting to keep people here; to help people develop here and build here and all the sudden they are moving ahead with seeking damages without knowing what the current status is. Mr. Cain said that from a Planning/Zoning standpoint the township has been working with them and the developer of the property across the street as much as they can. He said it is time to find out what the status is. He said he was under the impression from discussions and memos that they were bringing something to the Planning Board in February and now it was pushed until May. Mr. Cain said he has been through this over the years on various boards and they keep pushing it off. Mr. Cain said it is crucial piece of real estate; it destroys Main Street in its current condition; and decision has to be made. Ms. Gatto said she totally agreed with Mr. Cain but it came down to communication because he is the Land Use liaison and privy to a lot of things coming before the Planning Board. She said if she doesn't go to a Planning Board meeting she isn't getting the update or information. Ms. Gatto said that from a 5-member Committee they need a status before they can move ahead with a decision. Mayor Silva asked that this be listed on the next agenda. Mayor Silva questioned when the Township gave up their rights to the County. Mr. Sandman said it is in the memo. The Mayor said the information this and prior Committees had was that they were waiting for DEP approvals and there a lot of questions that need to be answered. Dr. Kesselman asked who their attorney was. Ms. Dix said it is Nick Dellavechia.

Mr. Rogers questioned the status of the reval. Mayor Silva said the commercial properties are completed and he heard from people in Weymouth that they have been through their house. Mr. Sasdelli said it is on track. The Mayor asked that an update on the reval be on the next agenda. Mr. Rogers commented on the Mayor saying that nobody cared when taxes went up in good times. Mr. Rogers said they really did. The Township budget expanded 100% between 2000 and 2008 because the Committees during those years raised taxes and spent recklessly. He said he applauded the Committee for taking aggressive action the past couple of years to start unwinding some excesses foisted on the taxpayers. Mr. Rogers said he knows several people on Committee have come under personal attack and threats but they are doing the hard work. Mr. Rogers said there are going to be a lot more people like Mrs. Capone who are going to hold the Committee Members' feet to the fire because salaries and expenses have gotten completely out of hand and beyond what is found in the private sector. Mr. Rogers commented on saying, when Mr. Gaskill was mayor, that the only time the meeting room is packed is when people are here with their hands out. He said it is a dedicated few that come and press for good government for everybody. He said he knows there are contractual reasons for giving raises but there are ways to deal with that. Mr. Rogers said the Committee took a very bold step toward that this year. He said next year will take more bold steps, hard decisions by the Committee Members, and shared sacrifice.

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

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

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Ms. Gatto moved, seconded by Dr. Kesselman, that this meeting be and is hereby adjourned.

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

ATTEST:

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