

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NEW JERSEY
TUESDAY, JANUARY 22, 2013

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Amy L. Gatto presiding. Members present were Aline Dix, Rodney Guishard, Judy Link and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by e-mailing a copy of the notice, along with the agenda for this meeting, to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Tuesday, January 22, 2013 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Atlantic Co. Utilities Authority Budget presentation by Gary Conover:

Mr. Conover distributed copies of the Township's 2012 solid waste report card to the governing body, Administrator and Township Clerk. Mr. Conover explained the graph and said tipping fees were up slightly over last year, the total waste is down slightly, residential and commercial recycling is down a little, yard waste is down, the figures were only for services the ACUA provides to the Township or pass on through its contract and the Township can claim any recycling done by others on its tonnage grant. Mr. Guishard asked how the Township's recycling rate of 32.65% compared to other municipalities and what the goal is. Mr. Conover explained it is in about the middle; the State goal is 50%; this is just for what the Township pays the County for but the State looks at it Township-wide for both commercial and residential. Mrs. Dix asked if recycling material that is dumped somewhere else is being reported and reflected in the 32.65%. Mr. Conover explained Silipena/American Auto and Giordano share their information but others do not; Best Buy and the Christmas Tree Shop take their cardboard to National Paper Recycling, a facility in Camden, and they are not reporting it to ACUA or the Township; and the ACUA has told the State about it but they haven't done anything about it yet. Mrs. Dix commented on the manager at Staples telling her last year that Staples sends trucks and they recycle someplace in Maryland so that isn't getting counted. Mayor Gatto commented on being surprised that the yard waste was down because of the Derecho storm and the hurricane. Mr. Silva said the Township had five different companies do the cleanup and asked if there was a way to get the amount cubic yards from that. Mr. Conover explained that isn't reflected on the report but the Township can claim it on their grant. The Mayor commented on needing to get the message out to the public that the Township is working towards the 50% goal; one of the reasons for implementing the green trash cans with Waste Management being to try to control tipping fee costs and promote recycling; the Committee wants people to recycle more and not put yard waste in their trash can because it contributes to the tipping fees; and the goal is to get the fees down and recycle more to be able get more grant money. She said yard waste collection is on Saturdays. Mr. Guishard asked what can be done to improve the rate and if anyone had any ideas. Mayor Gatto suggested it could be explored more through Clean Communities. Mr. Silva commented on commercials needing to pay more attention to recycling. Mr. Conover commented on the need to enforce the Township (Source Separation) Ordinance on stores that don't recycle at all. Mr. Guishard suggested letters could be sent to them. Mr. Conover said ACUA will provide the service to any business in the Township that wants it. Mr. Sandman asked if the Ordinance applied to commercial establishments. Mr. Conover and the Mayor said they believe it does. Mrs. Link asked if ACUA only collects yard waste in the Township on Saturday. Mr. Conover commented on it being changed to Saturday because they have more trucks available and the township contract for

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it wasn't increased last year because they passed the Kraft Bag Ordinance. Mrs. Link asked about the possibility of ACUA distributing more blue containers. Mr. Conover said any resident can request them; they are free; and the ACUA sells 95 gallon recycling carts for \$65.00. He explained that the ACUA agreed to provide them to Hammonton if they signed a 5-year contract and dropped all of their commercial (pickups) and that when they switched to them last year their rate went down because half of the commercials decided not to recycle anymore but residential rates went up 10-15%. Mr. Conover explained the Township rate for collection will increase effective March 1st; the total is \$111,000 for the service plus tipping fees of \$26.00 per ton. He explained CPI-U means Consumer Price Index-Urban and is a US Department of Labor standard. Mr. Silva asked if the ACUA was governed by the 2% budget CAP. Mr. Conover said that the ACUA knows the Township is and they work for the Township. He said this is the last year of the Township's disposal agreement with ACUA; the Township rate is tied to Cumberland County and will be \$59.65 for 2013. He commented on the DEP Commissioner certifying the ACUA waste flow change on August 10, 2012. Mr. Conover commented on the State subsidizing the ACUA debt service with \$5 million and the ACUA recently taking ownership of the Highland Park Landfill and explained the closure of the Highland Park Landfill. He explained the Highland Park Landfill closure was overfunded and ACUA approached the State about letting them take ownership and oversight of it; being allowed to use the excess closure funding to pay off its debt; they used \$21 million from the closure fund and paid off their solid waste debt; that will help stabilize their rates going forward and it takes \$8 million in costs off the municipalities. He said milk cartons can now be recycled and explained the Carton Council paid for the retrofits needed for it. Mr. Conover announced their truck wash will be open to municipalities in March at their vehicle maintenance shop. The entire presentation was digitally and video taped for the Township website. The Mayor and Committee Members thanked Mr. Conover for coming and his presentation.

DDR update on Hamilton Commons drainage basins:

Jonathan O'Rourke, Director of Property Management for the northeast region of DDR Corp., reported that since he was here last DDR updated their application to the (Cape Atlantic) Soil Conservation District; they reached out to the Pinelands Commission several times during December to get clarification on the type of sand to be used; they got a written response on Friday and shared it with Mr. Smith; Mr. Conlon from Langdon Engineering is in the process of clarifying a couple of points that were raised; he thinks they are ready to proceed with some of the other things they promised; their property manager prepared a request for proposals using both alternatives; they got the bids back and identified the apparent low bidder; it is ready to go through their internal process; he reviewed it and is the last person to sign off on it; it is nearly a half-million dollars; and he expects the purchase order to be executed and hopefully given to the contractor by the end of next week. He explained that based on the contractor's current workload and changes between December and now, they are talking about beginning mobilization the week of February 11th; actually starting work before that week is out; and hoping to wrap up by March 15th. Mr. O'Rourke commented on the time-line presented in December being very aggressive and said he wants to keep it because the sense of urgency needs to be responded to. He commented on everything they can control being ready to go. Mr. Silva said the water level was extremely high and it will spill out onto the highway if there is any more significant rain fall or accumulations that start to melt. Mr. O'Rourke said they provided a written safety plan for what they would do if they had precipitation periods where they would run that risk to Mr. Sandman; they installed gauges to know how close they are to an event that would be negative to everyone; and they have had 3 or 4 pumping incidents since they were installed. He explained how they have been able to contain all the water within the metes and bounds of their ponds; they will be running the pumps tomorrow and probably through the weather event coming this weekend; there have been 2 or 3 overnight monitoring instances; there was one when they were ready to sandbag the pike but didn't have to because there was no

breach; and he expects to be speaking about action taken the next time he comes. Mayor Gatto said she thought the Committee would be more in favor of under-promise/over-deliver from the time line perspective and to have a date they meet or come in early. Mr. Sandman commented on wanting Mr. O'Rourke to know that he was authorized and directed by the Township Committee to place the bonding company on notice; (DDR) was open copied on the notices; both registered mail notices came back not delivered; he doesn't know what happened with the regular mail; no one from the bonding company has contacted him and the 30-day notice period has lapsed by about 45 days; and that at the direction of Township Committee he has taken no further steps but it is still out there. Mr. Sandman asked Mr. O'Rourke if DDR had any contact by the bonding company. Mr. O'Rourke said there are departments in the company whose function is to monitor those kinds of things; he believes they would have heard something if that was the case; he isn't aware of it and he will bring it to the attention of individual in charge of that department. Mr. Sandman explained he would like to know who the contact person is if there has been any contact by the insurance company, because he is willing to tell them the Township is willing to sit on its hands until this does or doesn't resolve itself; that will avoid them contacting counsel and taking action which they are ultimately going to be responsible for. He explained the conclusion at the hearing held in December was that the basin abutting the Black Horse Pike constituted a dangerous condition and (DDR) was placed on notice of that. Mr. Sandman explained that under the covenants and restrictive deed recorded in the County Clerk's Office their predecessor and now DDR have agreed to indemnify the Township for any claims. Mrs. Dix asked if the performance bonds would have been placed by Benderson Wainberg when they were building it prior to DDR's ownership. Mr. Sandman said the bond was acquired by Benderson but it wasn't a performance bond, it was a site restoration bond. Mayor Gatto asked Mr. O'Rourke to report to Mr. Smith by the end of January that their Pinelands stuff is resolved; that by mid-February they have mobilized; and that he come to the March 4th meeting to let the Committee know they are on track for completion some time in March. She thanked Mr. O'Rourke for coming and his presentation.

There were no executive session and no executive session confirmations. Mrs. Dix said she thought there was to be an executive session at the end of the meeting. Mr. Sandman explained that his advice is that the item be pulled at this time because there are potential ramifications; he hasn't been involved with that case in probably 2 years; there are civil ends, appellate ends and department ends of it; he would have to review all of that; and he isn't in a position to report on it.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Agenda Item 5.C Remington Vernick Proposal for engineering design services for the new standby backup generator at the municipal building be deleted; and

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

- 5.E Temporary Agreements with MLAA and HTSLC.
- 5.F Introduction of Ordinance #1739-2013 amending Ordinance #1727-2012 to allow Residential Rental License Fee to be adjusted annually by resolution of the township Committee.
- 8.A Insert names of businesses:
 - (1) The Fairways at Mays Landing (Hometown Mays Landing MHC) Real Estate Development for adult community.

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

There were no early public comments on agenda items not listed for public hearing.

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Introduction of Ordinance #1737-2013:

Mr. Jacobs explained COAH wanted "civil union" where the Township had "a legal relationship" and the other was to change "to pay" to read "be subject to a development fee of" and they don't really change anything that was in the ordinance.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1737-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the January 25, 2013 issue of the Press of Atlantic City for a public hearing to be held at 6:30 PM on February 4, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1737-2013

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 1734-2012 ENTITLED "AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 167 OF THE CODE OF THE TOWNSHIP OF HAMILTON, PROVIDING FOR THE COLLECTION OF AFFORDABLE HOUSING DEVELOPMENT FEES".

WHEREAS, the Council on Affordable Housing Ordinance has reviewed Ordinance No. 1734-2012 which was adopted by the Township Committee of the Township of Hamilton on December 17, 2012, and approved it subject to revision of Section 1,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton that Section 1 of Ordinance No. 1734-2012 be and is hereby amended to read as follows pursuant to the Council on Affordable Housing (COAH) Resolution approving Ordinance No. 1734-2012 adopted by the Township Committee of the Township of Hamilton on December 17, 2012:

SECTION 1.

Amend Section 167-35, entitled Eligible exaction, ineligible exaction and exemptions, by inserting the following as new subsection H:

H. All single lot development of owner-occupied housing shall be subject to a development fee of 0.5% of the equalized assessed value of the land and improvements provided that the lot was owned by the owner, or a member of the owner's immediate family, and existed on the official tax map of the Township of Hamilton on or before December 17, 2012. For the purpose of this Ordinance the term immediate family shall mean those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers and sisters, nieces or nephews, aunts and uncles and first cousins, husbands and wives, civil union partners, great-grandparents, and great-grandchildren.

Section 2.

All ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed to the extent of their inconsistency.

Section 3.

If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4.

This Ordinance shall take effect immediately after final passage and publication as provided by law.

ATTEST:

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

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

AMY L. GATTO, MAYOR

ROLL CALL: DIX "AYE"
 GUISHARD "AYE"
 LINK "AYE"
 SILVA "AYE"
 GATTO "AYE"

ORDINANCE #1737-2013 INTRODUCED & PASSED FIRST READING ON JANUARY 22, 2013.

Introduction of Ordinance #1738-2013:

Mr. Jacobs explained it is a small, non-conforming piece of ground adjacent to the property owner who requested it be sold to them because they want to build a house for a child.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1738-2013 be and is hereby introduced and passed first reading and the Township Clerk is authorized to advertise same in the January 25, 2013 issue of the Press of Atlantic City for a public hearing to be held at 6:30 PM on February 4, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1738-2013

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 396, LOT 9 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and are without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

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SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to off set administrative costs Including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after acceptance of the bid by the Township Committee and authorizing the sale to the high bidder.
- (b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.
- (c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:
 - (1) Easement of utility companies and of governmental agencies or bodies.
 - (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
 - (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by way of description and not by limitation, existing zoning, health and planning board rules and regulations.
 - (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
 - (5) No representation of any kind is made concerning gas or electric service to the land.
- (d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.
- (e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

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SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Lot Size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
396 / 9	75'X100'	Tacona Ave.	MV	\$300.00

SECTION 6. SPECIAL CONDITIONS: NONE

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

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

ATTEST:

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

AMY L. GATTO, MAYOR

ROLL CALL: DIX "AYE"
GUISHARD "AYE"
LINK "AYE"
SILVA "AYE"
GATTO "AYE"

ORDINANCE #1738-2013 INTRODUCED AND PASSED FIRST READING ON JANUARY 22, 2013

Hiring a part-time/Temporary Laborer:

Mr. Jacobs commented on moving on with painting and upgrading the meeting room and atrium and explained he is suggesting hiring a part-time temporary person with no term and payment stops when the work ends; he believes it will be more cost-effective than drawing specifications and going out to bid; it can be done by resolution because the position is in the Ordinance; and there is work in the basement that they can do if there is any interference by events. Mr. Jacobs commented on not having used all that was budgeted for overtime this past year and said he is suggesting increasing it in the proposed budget and changing the title from "overtime" to "overtime/part-time". He said it is \$15.00 an hour and they have to have experience in painting and painting skills. Mr. Guishard asked Mr. Jacobs if he had an estimate on how long it will take. Mr. Jacobs said he didn't and that they have to work around the court. Mr. Silva said Mr. Jacobs' move to hiring someone with specialty skills when hiring part-timers or when someone leaves has greatly benefited the Township. He commented on the pews and other work to be done in the meeting room. Mr. Jacobs explained the Committee has to determine whether they are want fabric or something easier to keep clean on the pews.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for the hiring of a part-time/Temporary Laborer.

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

January 22, 2013

Temporary agreements with the Mays Landing Athletic Association (MLAA) & Hamilton Township Soccer & Lacrosse Club (HTSLC):

Mr. Jacobs explained the changes from when these were on the agenda in December were that he added in the Soccer Association agreement that if there is any damage to the field because the one football league uses it, the Township will repair it or fund the repair and the only changes in the MLAA agreement was that things the Township actually did are incorporated into the text. Mayor Gatto explained the temporary agreements will allow the shared services agreements the Township has with the organizations to continue until Mr. Guishard's task force reaches some other level of decision. Mr. Guishard said he has met with the HYAA and MLAA and is looking to meet with the Soccer folks. He explained they are trying to investigate the whole situation; they don't want to extend the current agreement indefinitely; they established a temporary agreement in order to continue operations; their goal is to revise it as soon as they can; it is temporary and with no significant changes. Mayor Gatto explained it will only be until the Task Force reaches a consensus and it is strictly on the lighted field issue. Mrs. Link said there was an issue on the use of the stand during championships. The Mayor said that is one of the issues the Task Force is addressing. Mrs. Dix said she had an objection to Exhibit A on the agreements; the agreement doesn't require automobile coverage; it is critical because of the number of vehicles going onto township property and school buses that may bring children for the travel league type games; the Township needs automobile coverage and possibly workers comp. Mr. Sandman explained the MLAA and the Soccer Association have a general liability policy with the Township named as a certificate holder for \$1 million with a general aggregate of \$3 million. He said he thinks there would be insurance requirements applicable to a bus bringing children to a township field; he doesn't know what it is but would be happy to look into it; if it is a school district, the school district will be covered; if it is a private Association they may or may not be; and any active sports organization would be adequately covered. Jay Torres, Vice President of the MLAA, said Atlantic City is the only football organization that buses kids in and they are covered by the city; the MLAA usually buses kids to the location if they go to a championship game and they cover that. He said there is no busing in street hockey and that he doesn't know about the HYAA. Mrs. Dix explained her comment is related to township property; is not limited to football; and it is for all vehicles. Mrs. Dix explained that based on talking about insurance with Mary Barry for 25 years there should be workers comp, if applicable, automotive and hired automotive coverage. Mr. Sandman said if a coach, driving his own vehicle to the club house to put equipment in it strikes a child his automobile carrier insurance will be on the hook initially; there could be exposure to the Township and the Township could be named in a suit; but he doesn't know how the Township can mandate higher coverage for that because it is so individual, so independent, and mostly done by coaches. Mr. Torres explained MLAA by-laws specify that coaches are not to give children rides to sporting events. Mrs. Dix said it isn't just the coaches; it is parents who are coming there. Mr. Torres said they would have insurance. Mayor Gatto said she thought the Committee should vote on the temporary agreements and have the Risk Manager comment on Mrs. Dix's concern. Mr. Jacobs said all insurance policies go to the Risk Manager and that he had said he would have the Risk Manager look at it when Mrs. Dix brought it up before but he thinks she wants to mandate something that may not be required and he needs to know what that is. The Mayor said it sounds like Mrs. Dix was asking a separate question. Mr. Jacobs explained it is only separate if the Committee is going to require something more than the Risk Manager and, if they are, the leagues have to know about it and it has to be put in the agreements. He said if Mrs. Dix was concerned about vehicles, the township parks are open to the public all the time; they drive through whether or not they have agreements; and someone not affiliated with the league could run over a child. Mayor Gatto said Mrs. Dix has a question about vehicles on township property, specifically parks, that is separate and from this and she asked Mrs. Dix for clarification of her question. Mrs. Dix said it is what the

RMC and Mr. Sandman are in agreement of what's in the best interest of the taxpayers to have required on the insurance certificates. Mr. Sandman asked Mrs. Dix to call him on what she is concerned about. Mr. Torres commented on already charging people \$33 per person for insurance and the effect of adding the cost of more insurance on the organization.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Temporary Use of Facilities Agreements between the Township of Hamilton and the Mays Landing Athletic Association (MLAA) and the Hamilton Township Soccer & Lacrosse Club (HTSLC) be and are hereby approved.

RESOLUTION ADOPTED WITH MEMBERS GUSHARD, LINK, SILVA AND GATTO VOTING "YES", NO MEMBER VOTING "NO", MRS. DIX ABSTAINED BECAUSE SHE DIDN'T HAVE IT IN ADVANCE.

Mayor Gatto confirmed with Mr. Jacobs that they were the same as what was discussed in December with the few small changes.

Introduction Ordinance #1739-2013:

Mr. Jacobs explained it was a late item because he had just gotten the Ordinance; it was added so the Committee could discuss it; they don't have to act on it tonight; and it doesn't do anything except let the Committee change the fees by resolution instead of amending the Ordinance. Mr. Sandman commented on the provisions of the Ordinance being gray and explained he gave a directive that he thought a one-time adjustment by resolution was appropriate given the language that exists and the Committee should clean the Ordinance up so they don't have to do an Ordinance amendment each year. He explained Mr. Jacobs had to establish the fee with the help of others because the Ordinance was new; it was slightly overstated which called for a reduction; it may happen in coming years; and this makes it easier.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1739-2013 be and is hereby introduced and passed first reading and the Township Clerk is authorized to advertise same in the January 25, 2013 issue of the Press of Atlantic City for a public hearing to be held at 6:30 PM on February 4, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE # 1739 - 2013

AN ORDINANCE AMENDING ORDINANCE #1727-2012
TO ALLOW THE COST OF A RESIDENTIAL RENTAL
LICENSE TO BE ADJUSTED ANNUALLY BY RESOLUTION
OF THE TOWNSHIP COMMITTEE

The Township Committee of the Township of Hamilton, County of Atlantic, in the State of New Jersey, does Ordain as follows:

It is the intent of this Amendment to change only the provisions set forth herein below and all other terms and provisions of Ordinance #1727-2012 shall remain in full force and effect and not otherwise affected by this Amendment.

§222-13. Fees for Residential Rental Unit License.

§222-13 shall be replaced by the following:

"222-13. Prior to the issuance of a Residential Rental Unit License, the owner shall pay to the Township an amount established by the Township Committee through Resolution annually as to the cost of licenses during that calendar year.

Prior to the issuance of a Residential Rental Unit License, the owner shall pay the fee, as established by Resolution, for the licenses issued for license year 2013 and thereafter.

A late fee of \$50.00 shall be charged in addition to the above fee for all Residential Rental Unit Licenses obtained after the required due date.

Fees for new Residential Rental Unit Licenses shall not be pro-rated for a partial year, however, on or after December 1st of each year, the license issued for a 'New Unit' shall be for the following year. A 'New Unit' is a Unit that did not require a Residential Rental Unit License, as outlined in this Ordinance prior to the date it is applied for.

The fees shall be reviewed annually to assure that the funds projected to be collected are approximately equal to the expenses related to implementing the requirements of this Ordinance. This requirement does not prohibit the Township Committee from creating a reasonable reserve, for related but unanticipated expenses.

No revenues collected from the fees established in this Ordinance shall be used for purposes other than those related to enforcing the codes and other requirements outlined in this Ordinance.

The annual fee for a Residential Rental Unit License shall be established annually by the Township Committee and shall be established by Resolution of the Township Committee without the need to further amend this Ordinance".

All other terms and provisions of Ordinance #1727-2012 shall be and remain in full force and effect and not otherwise altered with the sole exception of what is herein stated relative to §222-13.

Effective Upon Adoption.

This Ordinance shall become effective upon a majority vote of the Township Committee.

ATTEST:

TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

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

AMY L. GATTO, MAYOR

ROLL CALL: DIX "AYE"
GUISHARD "AYE"
LINK "AYE"
SILVA "AYE"
GATTO "AYE"

ORDINANCE #1379 -2013 INTRODUCED AND PASSED FIRST READING JANUARY 22, 2013.

Public Hearing/Adoption - Ordinance #1736-2013:

Mayor Gatto explained the Ordinance is just to bring the Township's fees into line with what the State has now set.

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

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

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

WHEREAS, Ordinance #1736-2013 was introduced and passed first reading on January 7, 2013 and was duly advertised in the January 9, 2013 issue of the Atlantic Record for a public hearing to be held on Tuesday, January 22, 2013; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1736-2013 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1736-2013

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING CHAPTER 111, SECTION 4 OF THE CODE OF THE TOWNSHIP OF HAMILTON, ENTITLED "LIMOUSINES".

BE IT ORDAINED, by the Township of Hamilton, County of Atlantic, and State of New Jersey as follows:

Section 1

Chapter 111, Section 4, Letter H of the Code of the Township of Hamilton is amended to read as follows:

A non-refundable limousine license fee which shall not exceed a total sum of \$50.00 for each limousine service plus \$10.00 for each limousine which is covered under the required insurance policy. This license is non-transferable and shall be valid from its date of issue until December 31 of the same year. Thereafter, a renewal license shall be valid for one year from January 1 until December 31. There will be no pro-ration of the fee.

Section 2.

All ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed to the extent of their inconsistency.

Section 3.

If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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Section 4.

This Ordinance shall take effect immediately after final passage and publication as provided by law.

ATTEST:

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

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

AMY L. GATTO, MAYOR

ROLL CALL: DIX "YES"
 GUISHARD "YES"
 LINK "YES"
 SILVA "YES"
 GATTO "YES"

ORDINANCE #1736-2013 INTRODUCED & PASSED FIRST READING ON JANUARY 7, 2013.
ORDINANCE #1736-2013 ADOPTED JANUARY 22, 2013.

Award of Contract - Tree/Stump Removal & Tree Trimming:

Mrs. Dix asked for clarification of the contract term contract or if it was being awarded for the year 2013 only. Mr. Jacobs explained it would be for 2013 only, the funds are certified for 2013, and the Committee can extend it if they are satisfied with their service. He explained the township has a list of professional contractors for services so it doesn't have to be done if there is an emergency.

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

WHEREAS, sealed bids for various types of Tree & Stump Removal and Tree Trimming services were received from Staunch's Tree Service of Sewell New Jersey and Perna Construction, Hammonton, NJ on December 11, 2012; and

WHEREAS, the bid proposals were reviewed by the Deputy Chief Financial Officer/Qualified Purchasing Agent (Deputy CFO/QPA) and the Director of Public Works and it was determined that Staunch's Tree Service of Sewell New Jersey was the lowest responsible/responsive bidder,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Stanch Tree Service of Sewell New Jersey be accepted and the contract for various types of Tree & Stump Removal and Tree Trimming services is hereby awarded to them with for the period January 1, 2013 through December 31, 2013 with funding for same to be from the 2013 operating budget as recommended in writing by the Deputy CFO/QPA on January 16, 2013.

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

Award of contracts - Uniforms for Various Departments:

Mrs. Dix commented on the recommendation being hard to decipher. Mr. Jacobs explained two bids were received; there is a list of items; it is an item based bid; it is being awarded to both vendors; and the Township will buy for the lowest price for the item. Mr. Guishard said he was comfortable with what the staff did.

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

WHEREAS, sealed bids for purchase of uniforms for various Department Employees were received from Landsman Uniforms of Mays Landing and from Specialty Graphics of Marlton New Jersey on December 11, 2012; and

WHEREAS, the bid specifications allowed for item base bid awards;
and

WHEREAS, the bid proposals were reviewed by the Deputy Chief Financial Officer/Qualified Purchasing Agent (Deputy CFO/QPA) and the Heads of the Using Departments,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Specialty Graphics of Marlton New Jersey and the bid Landsman Uniforms of Mays Landing be accepted and that contracts for Various Uniforms be and are hereby awarded to them the period January 1, 2013 through December 31, 2013, on the basis of line items or unit prices whichever results in the lowest amount with funding for same to be from the 2013 operating budget as recommended in writing by the Deputy CFO/QPA on January 16, 2013.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Business Registration Licenses be and are hereby approved:

- (1) The Fairways at Mays Landing (Hometown Mays Landing MHC, LLC) Real Estate development for adult community.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #1-2013 be and is hereby approved for the Mays Landing Athletic Association calendar raffle with drawings to be held April 24, 2013 and May 21, 2013.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the January 7, 2013 Reorganization and regular meeting be and are hereby approved and adopted as published.

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

Mr. Silva moved, seconded by Mrs. Link, 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 to be paid, the bill list total being \$5,074,943.75.

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

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Mr. Silva moved, seconded by Mr. Guishard, that the resignation of Aaron Reed from the Veterans' Advisory Board effective January 9, 2013 be accepted and is hereby accepted.

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

No action was taken on the resignation of Louis Green from the Veterans' Advisory Board effective January 7, 2013. Mr. Silva asked Mr. Guishard to speak to Mr. Green about this.

Lake Lenape Dam Review Committee appointments:

Mr. Sandman explained the Township has three representatives, the County has three, the County Engineer is the fourth from the County and is the tie breaker; it is an advisory committee so the minutes are not open to the public; there are negotiations right now that require that it be properly constituted. Mayor Gatto said Mr. Sandman and Mr. Silva bring full reports back to the Committee. Mr. Guishard asked how often they meet and if they require any technical background as to what is going on there. Mr. Sandman explained they meet on an ad hoc basis, generally with the Township representatives including Mr. Jacobs and Bret Noll and occasionally others; they get feedback from the contractor and meet with them periodically; there are issues that need to be resolved; they are in the process of negotiating the completion of the dam; the County contracted with Agate but the Township is ultimately responsible for one-half of the costs.

Mr. Guishard moved, seconded by Mrs. Link, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following be and are hereby reappointed effective immediately to be the Township of Hamilton representatives on the Lake Lenape Dam Review Committee for a one (1) year term to expire December 31, 2013 pursuant to Ordinance #1053-90 for :

- Township Committee Member: Roger Silva
- Public Works Department Member: Bret Noll
- Citizen at Large: Carl Pitale

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising for a full-time Truck Driver/Laborer with Mason/Concrete skills is hereby authorized.

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

Hiring part-time Housing/Fire Inspector:

Mr. Jacobs explained the Township has four now; this will be the fifth one; and they are all part-timers. Mr. Guishard commented on a background or experience in property management being one of the desirable skills listed in the qualifications and said the State requires some sort of certification to be a property manager but he didn't see that requirement in the qualifications. Mayor Gatto read the qualifications and it said "preferred". Mr. Jacobs explained the Township requires certification for the Fire Inspector but not the housing. Mr. Guishard asked if it would be advantageous to have someone doing those inspections to have experience and certification in property management. Mr. Jacobs explained the position is mostly

for code enforcement but they want them to have the fire certification because they are all being used for every job. Mr. Jacobs said certifications required by law are important but he isn't sure the Township should limit (a position) by certifications that are preferred. He said he thought they are looking for people who have managed oversight of maintenance.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising for a part-time Housing/Fire Inspector is hereby authorized.

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

Reports:

Mr. Jacobs reported the Cotton Mill owners responded to the follow up letter and are going to do some additional demolitions in the spring; the Township responded that there are a lot of things that can be done in the winter such as removing dead trees and vegetation between the fence and the building; the owner responded that they will take care of it. He said if no action is seen soon, enforcement process will be started.

Mr. Jacobs commented on an item for the sick-time payout upon separation of employment being on the agenda some time back; the members wanted more information; he asked if they had everything they needed or there was any specific information they need; and if he could put it on the next agenda. Mrs. Dix commented on it be shelved since November and said she didn't have anything on it in front of her right now. She said she will be in to talk to Mr. Jacobs about something tomorrow and they can talk about it then and bring everybody else up to speed. Mr. Jacobs said the Personnel Committee recommended it; it was on the agenda and tabled for more information; and he wasn't promoting it one way or the other but the Committee usually votes something up or down. He said the Members should let him know if they need more information. Mr. Silva said to just get them the information that is necessary. He and Mayor Gatto said to put it on the next agenda. Mayor Gatto suggested Mr. Guishard and Mrs. Link will need the background information.

Mr. Sandman had nothing to report.

Mr. Smith had nothing to add to his written report. Mr. Jacobs commented Mr. Guishard and Mrs. Link asking if Remington Vernick is doing everything they can to get the ground breaking approval for the sports field at Liepe Park for April 1st. Mr. Smith explained there was a conversion issue between the Churchill CAD files and theirs; it has been rectified so they will put together a layout plan for the field; he will bring it in for Mr. Jacobs to look at; then he will prepare the application and submit it to Pinelands. Mr. Jacobs said he thinks they are still on target with the April 1st groundbreaking. Mrs. Dix asked if Mr. Smith was going to pick up where they left off with the Churchill file. Mr. Smith explained they aren't; they are only going to submit an application to Pinelands for approval to grade a field in the area past the parking lot. Mr. Jacobs explained there are two projects being pushed; he wants to be able to grade the field by April 1st and they are also going in for approval for parking and other things. Mr. Guishard questioned when a response on the drainage was expected. Mr. Smith explained the Township did get a response and the Pinelands laid out a couple of different options. Mr. Smith explained the original proposal called for expansion of the existing pond; they did test borings and came up with seasonal high levels; Pinelands disagreed with their interpretation of what seasonal high water was; they submitted some additional information to them but never heard back on it. Mr. Smith commented on still being of the opinion the

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correct way to proceed is to expand the existing basin. Mr. Jacobs said that was somewhat confirmed when they went out and did additional test pits last year. He said he will call them tomorrow and ask if they have had a chance to review that and see if he can get a response. Mr. Guishard asked if the Township has an alternative plans if Pinelands doesn't accept that. Mr. Smith explained one alternative was to do an off-site mitigation project and one was to relocate the basin but that would be difficult to do due to the topography. Mrs. Link asked who Mr. Smith was dealing with at Pinelands. Mr. Smith said he and Mr. Jacobs met with Rhonda Wood and Chuck Horner a while back but they are dealing directly with Rhonda Wood on this issue.

Mrs. Link reported over 500 people attended the celebration of Martin Luther King Day and the inauguration of the new President skating party held at the skating rink.

Mr. Guishard reported he had the opportunity to talk with the athletic groups over the past couple of weeks and found it very enlightening. He commented on how many hundreds of kids are involved in the athletic programs; how important it is to them; how many residents are involved in it; and said he thinks it is a real resource and contribution to the community. Mr. Guishard said one thing that became clear is that there are some issues; there isn't enough space to accommodate both teams; the space the Township has is deficient; and the fields at Underhill are mud pits. He said there are plans put together by Mr. Jacobs and others to address the issues; he would like to get together with the stakeholders as soon as they can so they can indicate to them what their plans are; what they found the issues to be; and get feed back from them ad use to as a basis for moving forward. Mayor Gatto said Mr. Blankenship reported the parking work at Underhill is getting started.

Mr. Silva reported the next Township Committee meeting will be on the day before the official kick-off of the 200th anniversary of the Township's incorporation on February 5, 1813; (the celebration committee) is working with the Mays Landing Merchants' Association; they are in the planning stage for the event; it will take place on June 29th and 30th Lenape Park; and there will be a cake at the meeting on February 4th.

Mayor Gatto said she appreciated Mr. Silva serving on the celebration committee; it is something they want to do all year long; she invited the residents, community groups, volunteer organizations and employees to attend the February 4th meeting. She said four of the out-going Fire Chiefs will be honored at the next meeting in recognition of the service they provided to the town for many years. The Mayor commented on the importance of Martin Luther King Day. Mayor Gatto announced the Principal at Oakcrest High School, Tony Mongaluzzo is retiring February 1st.

Public comment:

Jay Torres said that he thinks he has come up with some solutions to some of (HYAA) problems and things they can work on and he would like to meet just with Mr. Guishard and Mr. Taylor next week.

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

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

There being no further business to be considered tonight, Mr. Silva moved, seconded by Mrs. Dix, that this meeting be adjourned.

ATTEST:

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