

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MAY 6, 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 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 of the meeting on the bulletin board in the municipal building and by e-mailing a copy of said 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 Monday, May 6, 2013 in the municipal building, Mays Landing, New Jersey.

Mayor Gatto read the following **MAYOR'S PROCLAMATION:**

WHEREAS, Frank Grieco, Sr. was a well-known and well-respected resident of the Township of Hamilton for decades; and

WHEREAS, Mr. Grieco was active in a remarkable number of local organizations that impact society socially, politically, and economically, including his service on Township Committee from 1986 - 1994 and as Mayor in 1988; and

WHEREAS, although individuals who selflessly serve others often neither receive nor seek the thanks of the public, the Township of Hamilton's Senior Center was dedicated to Mr. Grieco in 1989 in recognition of his significant contributions to the community;

THEREFORE, I, Mayor Amy L. Gatto, of the Township of Hamilton, County of Atlantic, State of New Jersey, on this day May 2, 2013, hereby recognize and honor

FRANK GRIECO, SR.

in appreciation of his interest in and dedication to the Township of Hamilton. Mr. Grieco demonstrated by his unselfish devotion to serving his community, that he could inspire others to take action which can change the world, or at least a part of it. He set an excellent example for the residents of the Township of Hamilton, and we extend our heartfelt thanks to Mr. Grieco and his family for all his accomplishments.

A moment of silence for private reflection was observed. The Mayor asked the audience to remember the brother of Captain Petuskey who recently passed away.

Deputy Mayor Roger Silva read the following:

RESOLUTION

OBSERVING THE WEEK OF MAY 12 - 18, 2013 AS POLICE WEEK

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of the Township of Hamilton play an essential role in safeguarding the rights and freedoms of the citizens of the Township; and

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WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of the Township of Hamilton has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, be it resolved by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that we call upon all citizens of the Township and upon all patriotic, civil, and educational organizations to observe the week of May 12 through 18, 2013, as Police Week and to honor police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

WE FURTHER call upon all citizens of the Township of Hamilton to observe Wednesday, May 15, 2013, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items be deleted from this agenda:

- Proclamation re: Hess School winning Eat Right/Move More contest.
- 12.B Appointment of Nicole Adams to fill vacant part-time Police Records Clerk.

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

Immediately after Proclamation re: Hess School winning contest:
- Resolution designating May 6-May 18, 2013 POLICE WEEK

- 10.A Insert names of businesses:
 - (1) Scent Shoppers, LLC - retail sales of beauty, cosmetic & fragrance products at Hamilton Mall.
- 10.M Resolution of no objection to NJDOT and/or Atlantic County approving and issuing permits to Weymouth Volunteer Fire Company for coin drops to be held at intersection of County Route 322 & County Route 559:
 - July 26, 2013 (Rain date August 2, 2013)
 - August 23, 2013 (Rain date August 30, 2013)

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

Early public comment on items not listed for public hearing:

Bruce Strigh agreed to defer his questions on Item 6.A and 12.A until the items came up for discussion.

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Public Hearing Ben Petrovic application for Outdoor Assembly License for Celebration of Heritage event at Atlantic City Race Course:

Mr. Jacobs explained the Ordinance the event is proposed under is from back in the 70's and read the portion of the Ordinance regarding the a surety bond or cash in the amount of \$500,000.00 requirement. He explained that the Risk Manager told Ingrid today that liability insurance naming the Township as an additional insured would be much better than security for the Township; \$1 million is the minimum; and they probably have to get that insurance for the Race Track anyway. Mr. Jacobs explained the concern is that the Ordinance needs other work because it is so old and the time needed to change it before this event. He said that based on the Risk Manager's advice and review by the Township attorney, it would be to have the liability policy. Mr. Sandman said \$500,000 is woefully inadequate; purchasing a bond is more expensive than purchasing an insurance policy; and he suggested the applicant be invited to agree to a waiver of that requirement and to buy a \$2 million dollar policy naming the Township as an additional insured. Mrs. Dix asked if it would be a TULIP policy. Ingrid Perez explained it wouldn't be because it isn't on Township property. Mr. Silva asked if the Committee had authority to over-ride the Ordinance. Mr. Sandman explained the applicant has every right to rely on the Ordinance as written and buy a \$500,000 surety bond. He said his recommendation is going to be to change the Ordinance but the Ordinance requires submission of the application at least 30 days in advance of the event and the Committee couldn't make the changes effective in time. Mr. Sandman explained there can be a mutual waiver of the provision if the cost to them is equal to or less than the bond and it provides them and the Township more security. Mr. Petrovic said he has lived in Mays Landing almost 30 years; he lives in Laureldale; has a Harley-Davison business in Atlantic County; this year is the 30th anniversary of his business; and Harley-Davidson is 110 years old this year. He commented on what he plans to have at the event including Astronaut Dr. Terry Hart who was in a shuttle mission in 1984. He commented on his experience with this kind of event. Mayor Gatto commented on the event being the week after the Township's 200th anniversary celebration and on Mr. Petrovic's letting the Volunteer Fire Companies have fund raising at the event. Mr. Petrovic commented on working with Hamilton Mall; he hopes it will benefit the mall; and it will be from 10 a.m. to 10 p.m. Mr. Guishard asked what the estimated attendance would be and if Mr. Petrovic is working with the Police Department. Mr. Petrovic said he estimates attendance of 5000+ and he is been in touch with the Police Chief, Sheriff, Mays Landing Ambulance Squad and EMT's; he has already had meetings with them; he is working with the Wounded Warriors Association and Golden Star moms. Mr. Silva commented on Mr. Petrovic having before the Emergency Services Advisory Board to explain everything. Mrs. Dix asked if there would be a fee to enter the park. Mr. Petrovic said general admission is \$10; there will be no parking fee; children under 6 will probably be free. Mrs. Link asked if alcohol will be served. Mr. Petrovic said beer only will be served and the Race Track will handle that. Mary Jo Coutts, Director of Operations at the Race Track, said they appreciated the Committee's support of the event. She said Mr. Petrovic has never put on an event that wasn't successful and enjoyable; everything is being done right for safety and benefit of the Township; the Race Track is donating the space. Mr. Sandman asked if the Track is requiring insurance and the amount. Ms. Coutts said they are and the amount is usually \$1 million to \$3 million. Mr. Sandman asked if that was \$1 million per claim and \$3 million aggregate. Ms. Coutts said it is. Mrs. Dix suggested they could add the Township to that policy. Ms. Coutts explained Mr. Petrovic proposed that; it has to go to the corporate attorneys; and it is what Mr. Lyons and any other events at the Track do. Mr. Sandman explained that Mr. Petrovic could agree on behalf of the applicant to name the Township as a named added insured on the policy and waive the requirements of the ordinance. Mr. Silva said he is in favor of this

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in light of earlier discussions about the circumstances and timing. Mr. Guishard said he was also in favor of it but questioned how the Committee would override an ordinance. Mr. Sandman explained that if the protection provided in the ordinance is less than what they agree to with the applicant and it is for a public purpose they have equitable authority by agreement; it isn't something he would encourage and would only happen when the protection by agreement is greater than what is provided in the ordinance. Mayor Gatto said the Committee is going to pursue changes needed to update the ordinance at the same time. Mr. Jacobs explained that in a 2009 Ordinance no bond is required if the event were to take place on Township property but it requires \$1 million insurance per occurrence and \$2 million in the aggregate. Mrs. Link indicated she was also in favor of it. Mr. Sandman explained what he needed to review and said if he has it by the next meeting it will be on the next agenda. Mrs. Link if a risk management team was in place to take accident reports if anything happened. Ms. Coutts said the Race Track does and Mr. Petrovic said they are working with the Race Track on that.

There being no questions or comments from the public, 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. Sandman explained no action had to be taken to accept the application; it was accepted by the Clerk under the Ordinance; and when the follow-up documentation comes in permits will be issued by whatever department is to come from.

Code Enforcement report:

Mr. Sartorio reported 439 Title Transfer inspections, 981 Rental inspections and 193 Property Maintenance Violation inspections were done from January 2012 through April 2013; property maintenance inspections are primarily generated by complaint but the inspectors will take action if they see something while they are investigating another property. Mrs. Dix questioned the outcome of the seven complaints against the Cotton Mill. Mr. Sartorio explained the Pinelands just re-sent their sign-off on demolition of fire damaged structure, Building B and (the owners) are working on their revised development and demolition plans. Mr. Guishard asked when they will start and finish and if it would be this year. Mr. Sartorio said they are required to respond to the Construction Official this week; he will e-mail the Committee as soon as he hears; and it will be this year. Mrs. Link asked if Mr. Sartorio had any idea what they planned to do with the property. Mayor Gatto said the subject of discussion is Code Enforcement and suggested a Wheaton Property update could be made at another meeting. Mr. Sartorio reported that 66 of 160 Code violations from 2012 are still open; 94 were abated; citations have been issued; some property owners are cooperating and working on compliance; some ended up in court; the Township boarded up some of them; and there has been no response on some of them. He reported 21 of 33 violations in 2013 are still open; 12 have been abated. Mr. Silva asked what actions can be taken when there is no response. Mr. Sartorio explained the Township can board up property or clean it up and the cost becomes a lien on the property. Mrs. Dix said the company that bought the tax lien certificate on the fire damaged property on 7th Street may not want the property now and the Committee needs to know where they can go to abate it. Mayor Gatto asked how long a property owner has to secure the site before the Township initiates Property Maintenance or Code Violation summonses when a home has caught on fire. Mr. Jacobs said it depends on the level of damage. He commented on the possibility that, with the amount of work that has to be done, the Township will lien properties that aren't worth what it will bill and won't get all of it back. He said he thinks how long a structure should be left boarded up is a different ordinance issue that the Committee will need a lot of advice from the attorney on if they are going to go from a safety standard to an aesthetic standard

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and they have to be prepared for legal challenges to the ordinances. Mayor Gatto said it is a question of whether the Township wants to get into the home renovation business. Mr. Jacobs said that what was accomplished was done with two part-time inspectors who do it after they do the housing and rental inspections; they've come a long way in a year-and-a-half but it will take years to see a difference with a town this size; it is about resources, money, and targeting an area or basing (enforcement) on complaints. Mr. Guishard asked if Mr. Jacobs had any estimate of what it would take to make a dent in it. Mr. Jacobs said it would be huge if Mr. Guishard is talking about every violation and he doesn't think the Committee would want the repercussions that would come from such a vast enforcement effort; it would mean a lot of people, a lot of money, a lot of work and a lot of aggravated people. Mr. Guishard said it sounded like Mr. Jacobs was saying it is at the appropriate level now. Mr. Jacobs explained that wasn't what he said but he thinks there is room to increase it if the Committee wants to. Mayor Gatto commented on it being about education and awareness of the Code. Mr. Silva commented needing to work out from the heavily populated areas in a circle because of the size of the Township and respond to other areas based on if they are complaint driven. He asked if Mr. Sartorio was comfortable with the start and early successes and if he had looked at what he might propose for budgeting for next year and the year after. Mr. Sartorio said they haven't had a chance to do a good evaluation yet; the first chance he had to look at the progress made was when he was putting the report together last week; and if they had the third inspector it would give them the ability to catch up. Mrs. Dix said she would like the four properties in foreclosure in Harding Lakes all cleaned up at the same time. Mr. Guishard said that he would like the goal for the next budget cycle to be a chance to sit down, see what it would take, get some estimates and the expected outcomes of those estimates. Mayor Gatto said it was a good report and that she would like reports on a quarterly basis of what trends Mr. Sartorio is seeing, what is or isn't working, and recommendations. She commented there being a significant amount of recommendations in the Quality of Life Committee report and suggested getting them back together as part of the quarterly analysis. Mrs. Dix said that Quality of Life is under Smart Growth and she will set something up with Mr. Sartorio, Mr. Jacobs, Mrs. Link and herself. Mayor Gatto asked Mr. Strigh if the report answered his questions on Code Enforcement. Mr. Strigh agreed a tremendous amount of progress has been made. He said code enforcement was a major issue of all areas around the Township in the Strategic Planning Initiative; the first phase of Smart Growth addressed code enforcement; and he would like to see the Smart Growth Committee reactivated. Mr. Silva said Dr. Kesselman is amenable to having a meeting of all the Strategic Planning Initiative groups to bring everybody up to date to see where the Township is and what steps they need to take to move forward on it. Mr. Strigh said that attaching costs was part of the initiative; the issues can't be addressed without resources; he thinks if the public is involved again they can come up with a recommendation for a long term plan; and he recommended the Strategic Planning Initiative be reactivated. Mrs. Link asked if the ACIA is involved in the code enforcement. Mr. Sartorio explained they wouldn't be involved unless the house was very deteriorated; it would probably fall under the building code; and the Inspectors know to refer people to them if there is a question of financing because they deal with major systems such as roofs and heating systems. The Mayor thanked Mr. Sartorio for the report. She asked the Administrator and Clerk to make sure the quarterly reports are on the agenda on a regular basis and Mr. Sartorio to make sure the Wheaton Property follow up report is on the next agenda.

Remington Vernick proposal re: new parking lot:

Mr. Jacobs explained a project is underway to build a new parking lot across the street; they believe it would be more cost effective to switch some parking spaces next to the front of Town Hall to handicapped accessible parking than it would be to put them in the new

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parking lot; the proposal includes that review and incorporates patching, sealing, striping, and any drainage problems in the back parking lot. Mr. Smith said he doesn't think there are any drainage problems in the back parking lot; the proposal would incorporate any repairs needed; it would cost beneficial to get the patching done at the same time as a paving contractor is doing work across the street; and it would be bid as part of the new parking lot project. He said some curbing in front of the building may have to be cut out because an accessible way from the parking space to the front door has to be provided.

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 Remington & Vernick Engineers proposal to provide Surveying and Engineering Services for the proposed accessible parking modifications to Town Hall parking lot (Block 786/Lot 1.01) for a fixed fee of \$4,200.00 dated April 30, 2013 be accepted and the contract for same awarded to them.

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

Request for NJDOT Traffic Study on Route 50 MP 21 to MP 24.4:

Mayor Gatto read the statistics included in the resolution Mr. Jacobs drafted. She read statistics from the report the Police Chief provided and said the Township is doing what it can with enforcement but there isn't anything to stop anybody from drag racing from the Expressway light to the 322 light. Mr. Guishard commended Officer Smith on the report. He questioned difference in the number of crash types and the number of crashes listed in the report and the difference between vehicle vs. fixed object and vehicle vs. non-fixed object crashes. Lt. Alcott explained possible differences in fixed objects vs. non-fixed objects and said he would find out about the difference between types of crashes and total number of crashes in the statistical report. Mr. Silva agreed that Officer Smith did a great job on the report. He said the statistics are overwhelming and he hopes (D.O.T) will try to come out with some traffic calming measures. The Mayor said all the calls have to be answered by Township services and volunteers. Mr. Guishard asked if there was any feeling on reasons the incidents on that short strip of road. Mrs. Dix said it is a straightaway. The Mayor agreed and said there are no stop signs and no speed humps; it is very hard to see at dusk because of shadows from the trees and glare from the sun at times; the median goes away and the road becomes one lane after the light; people coming out of the side streets misjudge what is coming or those coming from the Expressway misjudge those coming out of the side streets.

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

RESOLUTION NOTIFYING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION OF THE NUMBER OF CRASHES, INJURIES, AND FATALITIES WHICH HAVE OCCURRED ON STATE ROUTE 50 BETWEEN ROUTE 322 (MILE POST 21) AND WALNUT STREET (MILEPOST 24.4) AND REQUESTING THATY STUDIES BE CON DUCTED FOR THIS AREA AND APPROPRIATE TRAFFIC CALMING IMPROVEMENTS BE INSTALLED.

WHEREAS, from January 1, 2010 to April 7, 2013, there have been four fatalities in the above described section of State Route 30; and

WHEREAS, from January 1, 2010 to April 7, 2013, there have been 59 total crashes resulting in 56 injuries in the above described section of State Route 50; and

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WHEREAS, the Township Committee of the Township of Hamilton believes these are unacceptable statistics which require immediate study and resolution,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that "in the interest of Public Safety", this Resolution along with a copy of the complete Crash Data Report prepared by the Township of Hamilton Police Department be sent to the New Jersey Department of Transportation and the Governor's Office with the request for immediate consideration, along with the appropriate studies and traffic calming measures being implemented.

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

Rejection of bid #2013-01 (Cologne Fire Truck):

Mr. Jacobs read the e-mail from the Cologne Fire Chief asking that the current fire truck bids be rejected. He explained some things the fire company wanted were left out of the bid and recommended the Committee reject the bids under the provision in the law that bids may be rejected if a significant or substantial change is being made to the specs. Mr. Jacobs explained some action had to be taken tonight because the first thirty day extension expired April 1st. Mr. Guishard said this is the second time a bid was rejected; putting proposals together can be quite costly; and every effort should be made to make sure this is the last one.

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

WHEREAS, sealed bid proposals for One New, Stock, Demo or Slightly Used Pumper Apparatus (Bid #2013-01) were received on February 6, 2013; and

WHEREAS, the Local Public Contracts Law 40A:11-13.2d provides that all bids may be rejected if "*The contracting unit wants to substantially revise the bid specifications for goods or services*"; and

WHEREAS, the Township of Hamilton desires to substantially revise the bid specifications for the aforesaid fire apparatus and rebid the project,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that all bids received on February 6, 2013 for One New, Stock, Demo or Slightly Used Pumper Apparatus (Bid #2013-01) are hereby rejected pursuant to the provisions of the Local Public Contracts Law 40A:11-13.2d.

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

Public Hearing - adoption Ord. #1743-2013:

Mr. Jacobs explained that everyone using the police as outside employment is required to put up an escrow account under the current Ordinance; it came up in the audit that the Township doesn't do that; this Ordinance exempts Greater Egg Harbor Regional School, Hamilton Township Schools, all public utility companies regulated by the New Jersey Board of Public Utilities, Hamilton Township Municipal Utilities Authority and other government agencies such as the County and State from that requirement; they will still have to pay for the services but don't have to put money up in advance as long as they are current; if they aren't current, they would have to do an escrow.

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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 #1743-2013 was introduced and passed first reading on April 1, 2013 and was duly advertised in the April 3, 2013 issue of the Atlantic County Record for a public hearing to be held on May 6, 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 #1743-2013 be adopted.

RESOLUTION ADOPTED WITH MEMBERS GUSHARD, LINK, SILVA AND GATTO VOTING "YES", MEMBER DIX VOTING "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1743-2013**

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 70
OF THE CODE OF THE TOWNSHIP OF HAMILTON,
PROVIDING FOR EXTRA DUTY EMPLOYMENT**

WHEREAS, the Township Committee has previously established the requirement for persons and entities to establish escrow accounts when Extra-Duty Employment services for police officers is requested; and

WHEREAS, this ordinance did not provide any exceptions to this requirement; and

WHEREAS, this reorganization will not increase the total cost of salaries and wages; and

WHEREAS, the Township has determined that exceptions to this requirement are appropriate to certain agencies; and

NOW THEREFORE BE IT HEREBY ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that Article III of Chapter 70 of the Township Code, titled Extra Duty Employment, shall be amended as follows:

SECTION 1.

Amend Article III. Extra Duty Employment Section 70, by adding to the end of 70 -14, A. and new Sub-Section 70-14.A.1. to read as follows:

- (a) The following agencies are exempt from the Escrow Requirements as long as prior payments are current:
1. Greater Egg Harbor Regional School District
 2. Hamilton Township Schools
 3. All Public Utility Companies which are regulated by the New Jersey Board of Public Utilities.
 4. The Hamilton Township Municipal Utilities Authority.
 5. Other Governmental Agencies

SECTION 2. Severability and Effectiveness Clause.

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

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(b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by in law

TOWNSHIP COMMITTEE OF THE
TOWNSHP OF HAMILTON,
COUNTY OF ATLANTIC and
STATE OF NEW JERSEY

ATTEST:

Joan I. Anderson, R.M.C.
Township Clerk

Amy L. Gatto, Mayor

ROLL CALL: DIX "NO"
GUISHARD "YES"
LINK "YES"
SILVA "YES"
GATTO "YES"

ORDINANCE #1743-2013 INTRODUCED AND PASSED FIRST READING APRIL 1, 2013.
ORDINANCE #1743-2013 ADOPTED MAY 6, 2013.

Public Hearing - Adoption of Ordinance #1744-2013:

Mr. Jacobs said the Ordinance listed on tonight's agenda is the one discussed at the last meeting; it was advertised for a public hearing; and that he recommended it not be adopted. He explained he corrected the salary portion to allow him to delay part of the increase for part of the year and the Committee can introduce the new Ordinance tonight if they are in favor of it.

Mr. Sandman explained Ordinance #1744-2013 dies if the Committee takes no action on it tonight and they can move to introduce the new Ordinance with a public hearing to be held on it at the next meeting. He asked if any Member wanted to move to have a public hearing on Ordinance #1744-2013 tonight. **There being none, Mr. Sandman said Ordinance #1744-2013 died.**

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 Ordinance #1747-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on May 20, 2013.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: 1747 -2013
AN ORDINANCE AMENDING EXHIBIT A, SECTION 1
ARTICLE II OF CHAPTER 66 OF THE CODE OF THE
TOWNSHIP OF HAMILTON, PROVIDING FOR THE
MAXIMUM NUMBER OF EMPLOYEES**

WHEREAS, the Township Committee has previously decided to hire a full-time Public Works Director; and

WHEREAS, the Township Committee has determined that re-organizing the Supervision of Public Works Department is in the best interest of the Township; and

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WHEREAS, this reorganization will not increase the total cost of salaries and wages; and

NOW THEREFORE BE IT HEREBY ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that Article II of Chapter 66 of the Township Code, titled Personnel, shall be amended as follows:

SECTION 1. Delete Positions

Amend Exhibit "A" Section #1, entitled FULL-TIME REGULAR DEPUTIES AND DIVISION CHIEFS, by deleting the following positions:

- Deputy Director of Public Works
- Division Chief, Roads and Drainage
- Division Chief, Maint., Rec., & Grounds

SECTION 2. Delete Position

Amend Exhibit "A" Section #1, entitled PART-TIME DUAL POSITIONS, by deleting the following positions:

- Alternate Fund Commissioner

SECTION 3. Eliminate prior approved stipend

Eliminate additional pay for use of Certified Public Works Manager License

SECTION 4. New Titles and Salaries

Amend Exhibit "A" Section #1, entitled FULL-TIME DEPUTIES AND DIVISION CHIEFS, by adding the following positions:

TITLE	SALARY MAXIMUM	STARTING SALARY
Operations Supervisor	\$70,000	\$62,000*
Deputy Operations Supervisor	\$60,000	\$54,000
Special Projects Manager	\$75,000	\$67,000

* The initial salary will be \$57,000 and at the end of one year the Township Administrator is authorized to increase this salary up to the \$62,000 established by this ordinance, if the employee in the position has completed assigned training, and met the expectations for the position.

SECTION 5. Severability and Effectiveness Clause.

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 6. Effective Date.

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

ORDINANCE #1747-2013 INTRODUCED AND PASSED FIRST READING ON MAY 6, 2013.

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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 #1745-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held at in the municipal building, Mays Landing, NJ at 6:30 PM on May 20, 2013.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1745-2013

AN ORDINANCE AUTHORIZING THE SALE OF LOT 6 in BLOCK 443, 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.

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

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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 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.

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>
443 / 6	100'X350' (0.97 acre)	Twenty-ninth St.	RD-4	\$1,200.00

SECTION 6. SPECIAL CONDITIONS: Successful bidder shall be required to consolidate Lot 6 with their existing lot(s) in Block 443.

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.

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

ORDINANCE #1745-2013 INTRODUCED AND PASSED FIRST READING ON MAY 6, 2013.

Introduction of Ordinance #1746-2013:

Mr. Silva asked why the street was being vacated; if adjoining owners are notified; and if it becomes part of the parcel next to it. Mr. Jacobs explained it came through the Planning Board with a recommendation that it be vacated; it is out by Mr. French; it is already part of their property because they own to the center of the road; and the Township is giving up its right to put a road or alley there.

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Mrs. Dix 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 #1746-2013 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held at in the municipal building, Mays Landing, NJ at 6:30 PM on May 20, 2013.

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

TOWNSHIP OF HAMILTON
ORDINANCE #1746-2013

AN ORDINANCE TO VACATE THE FOLLOWING PUBLIC STREET SITUATE IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND TO RELEASE AND RELINQUISH THE PUBLIC RIGHTS THEREIN, A PORTION OF CUMBERLAND AVENUE, AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, a request has been made to vacate a certain portion of Cumberland Avenue, a paper street, hereinafter described, which is presently a dedicated but unimproved and unaccepted municipal street; and

WHEREAS, the subject request has been made by William French, an individual owning adjacent land to Cumberland Avenue; and

WHEREAS, the Township Committee for the Township of Hamilton has determined that the public interest will be better served by releasing the affected lands from any and all public rights therein and thereto pursuant to N.J.S.A. 40:67-19.

NOW, THEREFORE, 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 herein described streets and/or alley and portions thereof are hereby vacated, subject to any existing easements:

All that certain tract or parcel of land, situate in the Township of Hamilton, County of Atlantic, State of New Jersey and being further described and bounded as follows:

BEGINNING from the Westerly side of Estelle Avenue to the Buena Vista boundary between Lot 6 in Block 604 and Lots 1 and 2 in Block 605, as shown on Sheet 22 of the Tax Map of the Township of Hamilton.

SECTION 2.

That the public rights arising from any dedication, actual or implied, of the streets and/or alley mentioned above, and indicated on copies of maps filed in the offices of the Township Clerk, as aforesaid, be and the same are hereby released and extinguished.

SECTION 3.

That any costs including publication fees or engineering expenses incurred incident to the vacating of the aforementioned and above named street, shall be paid by the person or persons in whose favor the streets are being vacated.

SECTION 4.

The Township Clerk shall immediately after final passage and publication of this Ordinance make and file in the Office of the Clerk of Atlantic County a copy of this Ordinance together with a copy of the Proof of Publication hereof duly certified by her, under the corporate seal of the Township of Hamilton for record, as required by law.

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SECTION 5. Severability and Effectiveness Clause.

1. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
2. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 6. Effective Date.

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

ORDINANCE #1746-2013 WAS INTRODUCED & PASSED FIRST READING ON MAY 6, 2013.

Award of Janitorial Services Contract:

Mr. Jacobs explained Action Janitorial is the current service provider; they only had two people with cleared background checks; the Township wants four people cleared in case someone is missing; and that was in the specs.

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

WHEREAS, the following bids were received April 23, 2013 for Janitorial Services (Bid #2013-04B):

Action Janitorial Pleasantville, NJ	Bid: \$16,438.00 Option 1: \$32,876.00
Urucorp Maintenance Contractors Inc. Wharton, NJ	Bid: \$26,952.00 Option 1: \$53,904.00
Day Care Cleaning Cherry Hill, NJ	Bid: \$19,200.00 Option 1: \$38,400.00
Specialty Cleaning & Maintenance Atlantic City, NJ	Bid: \$29,336.75 Option 1: \$58,673.50

and

WHEREAS, the bids were reviewed by the Qualified Purchasing Agent (QPA) and the Public Works Department and the bids of Action Janitorial was deemed the lowest responsive bidder,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Action Janitorial be accepted and the contract for Janitorial Services (Bid #2013-04B) is hereby awarded to them in the amount of Sixteen Thousand Four Hundred Thirty-eight Dollars (\$16,438.00) for a period of six (6) months beginning July 1, 2013 and ending December 31, 2013 with two (2) twelve (12) month options, contingent upon Action Janitorial pending a successful staffing background check as recommended by the QPA AND Public Works Department.

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

Wal-Mart request for release of performance bond #09046932 TR #8097:

Mrs. Dix commented the letter from Remington Vernick listing issues of clothing bins and products in the parking lot and pallets outside the enclosure and asked why the release couldn't be held up until they clean up what they are supposed to. Mr. Smith explained they aren't performance bond issues; Wal-Mart has completed the site improvements; he copied the letter to Mr. Sartorio so it can be addressed through Code Enforcement; Township Committee has discretion

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to take whatever action is necessary; and they have 45 days from the date of his letter to take action. NO ACTION WAS TAKEN. Mayor Gatto suggested Mr. Smith notify Wal-Mart it will be on the next agenda and of the Committee's concerns.

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

BE IT RESOLVED that the Business Registration License for Scent Shoppers LLC, retail sales of beauty, cosmetic and fragrance products at Hamilton Mall, be and is hereby approved.

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

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

RESOLUTION FOR EXTENSION OF PRC LICENSE #0112-33-020-004
TO DEBTOR ESTATE OF PJ'S PUB & GRILLE, LLC

WHEREAS, an application has been filed for the extension of Plenary Retail Consumption License 0112-33-020-004 to the Thomas J. Subranni, Trustee for PJ's Pub & Grille, LLC;

WHEREAS, the submitted application form is complete in all respects, including proof of appointment to act as the Bankruptcy Trustee,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton (Atlantic County) does hereby approve, effective May 6, 2013, the extension of the aforesaid Plenary Retail Consumption License to Thomas J. Subranni, Trustee for PJ's Pub & Grille, LLC to conduct business under the privileges, terms, and conditions of the license as the Bankruptcy Trustee for the benefit of the Corporation until such time as the Chapter 7 Bankruptcy proceedings are completed and the license may be transferred in compliance therewith and directs the Township Clerk to endorse the License Certificate as follows: "This license is hereby extended, subject to all its terms and conditions to Thomas J. Subranni, Trustee for PJ's Pub & Grille, LLC, until June 30, 2013.

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 that the Township Committee of the Township of Hamilton has no objection to the Division of Alcoholic Beverage Control approving and issuing a special permit to the Mays Landing Merchants' Association for their Waterfront Wine and Food Festival to be held at Lake Lenape Park from noon to 5 PM on October 19, 2013 and October 20, 2013 with wine only to be dispensed.

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

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

WHEREAS, the Township of Hamilton desires to engage the services of the Atlantic County Improvement Authority's Office of Community Development for administration of the Township's Housing Rehabilitation Program Income for a three (3) year period effective June 30, 2013 through June 29, 2016,

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor and Township Clerk are hereby authorized to execute the Inter-Local Services Agreement with the Atlantic County Improvement Authority on behalf of the Township; and

BE IT FURTHER RESOLVED that the aforesaid Inter-Local Services Agreement is on file in the Township Clerk's Office and is incorporated into this resolution as if recited in full.

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

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

RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO CANCEL 2013 TAXES**

WHEREAS, the owner of Block 1132.18 Lot 115 has been granted a Total Exempt Veteran tax exemption by the Tax Assessor as of April 15, 2013; and,

WHEREAS, this exemption has been granted from April 15, 2013 and forward; and,

WHEREAS, the taxes that are already assessed for the 2nd quarter of 2013 must now be cancelled in the amount of **\$1,786.27** and the payment made by Wells Fargo Bank in the same amount be refunded to them as the property is now exempt.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the 2nd quarter 2013 taxes on Block 1132.18 Lot 115 be cancelled in the amount of \$1,786.27 and the payment made by Wells Fargo Bank in the same amount be refunded to them.

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 the sum of \$560.00 is hereby authorized to be paid to Biel, Zlotnick & Feinberg from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Susquehanna Bank (formerly Minotola Bank) dated November 23, 2005 for professional legal services rendered during February, March and April 2013 related to Misty Pines Estates Phases 3 & 4.

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 that a Non-profit/Education/Charitable Organization solicitation permit for People in Crisis/Lana Samuels is hereby approved effective May 7, 2013 through August 6, 2013.

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

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

RESOLUTION

WHEREAS, N.J.S. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Township of Hamilton Township as pursuant to N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: *Schedule of Findings and Questioned Costs* **OR** *Schedule of Findings and Recommendations*; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: *Schedule of Findings and Questioned Costs* **OR** *Schedule of Findings and Recommendations* as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

RESOLUTION TO AMEND THE "HOURS OF OPERATION"
OF THE COVE SWIMMING AREA FOR THE 2013 SWIMMING SEASON

WHEREAS, the 2013 swim season is abbreviated as a result of the holiday timing; and

WHEREAS, the Township Committee desires to open the Cove Area to swimming for approximately the same number of days in 2013 as it was in 2012;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Cove Area will be open for swimming for the 2013 swimming season as follows:

June 20th 2013 through August 5th, 2013:

Five days each week (Thursday, Friday, Saturday, Sunday, and Monday)

August 6th, 2013 through September 2, 2013:

Four days each week (Friday, Saturday, Sunday, and Monday)

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 Remington & Vernick Engineers proposal dated April 18, 2013 for preparation of specifications and bid documents, advertising for public bid, review of bids received, recommendation of award, inspection and contract administration services for demolition of structures located at 6921 Market Street (Bl. 352/Lot 20) and 6212 Philips Avenue (Bl. 693/Lots 5 & 8) for a fixed fee of \$6,500.00 is hereby accepted.

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 that the Township Committee of the Township of Hamilton has no objections to the NJDOT and/or the County of Atlantic approving and issuing permits to the Weymouth Volunteer Fire Company for coin drops to be held at the intersection of Route 322 and County Route 559 on July 26, 2013 (rain date August 2, 2013) and August 23, 2013 (rain date August 30, 2013).

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 the minutes of the April 15, 2013 regular meeting are hereby approved and adopted as published.

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

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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 all properly executed and approved payrolls and bills are hereby ordered to be paid, the bill list totaling \$6,260,264.80.

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

Mrs. Dix commented on \$5.01 million of the \$6.2 million on the bill list was for payments to the County and the Hamilton Township schools and the rest was for payment of Township bills.

Re-advertising Director of Public Works position:

Mayor Gatto explained the position was advertised in March; the Committee interviewed a couple of candidates; an offer was extended to one of them but the person declined; the Committee recognized the engineer requirement limited the candidates for consideration and discussed taking that requirement off to see what kind of pool of Public Works qualified employees they could get without it. Mrs. Dix said she thinks the salary the Township is prepared to offer is below what licensed professional engineers are earning and that is part of the problem.

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

BE IT RESOLVED that authorization is hereby given for re-advertisement for the Director of Public Works position with the Professional Engineering License requirement removed.

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

Testing for full-time Police Records Clerk:

Mrs. Dix commented on recent testing for a part-time clerk and asked if there was a format of a test or a new one was being created. Mr. Jacobs explained this is basically an internal advertisement; if a part-timer is promoted to full time the Township would hire a part-timer to fill newly created vacancy; it's possible a full-timer might want to transfer into the position and that is why Item D was deleted; and they will go to the list created by the recent test. Mayor Gatto suggested the agenda should say "authorize internal staffing process" for clarification. Mrs. Anderson said she puts it on the agenda the way she gets it.

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

BE IT RESOLVED that authorization is hereby given for internal testing to fill the full-time Records Clerk position in the Police Department being vacated by Joan Kenny on May 31, 2013.

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

Reports:

Mr. Jacobs reported Ed from Ed's Towing complained again that the vehicles on his property are creating issues and said that if he gets in trouble the Township will share the litigation costs; Ed indicated there may have been some legal settlement that the Township agreed to do what it is doing now when (the towers) sued before; he asked Ed to get him a copy of it to give to Mr. Sandman. Mr. Sandman explained it was handled by the JIF attorney Bob Merenich who authored the opinion the Chief relies on now and that has created a problem. Mr. Jacobs

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said Ed was referring to a lawsuit the towers filed against the Township many years ago that the Township settled. He said he gave him a copy of the Committee's resolution to share with his counterparts and they will contact the legislators also.

Mr. Jacobs reported a \$5,000.00 check was received from the Merchants' Association to expand the fireworks contract from \$15,000. to \$20,000.

Mr. Jacobs reported the contractor brought in fresh clamshells to finish the parking lot at Underhill Park because he was unable to get crushed shells and said the members may get complaints about the smell. Mrs. Link asked why they went to clamshells instead of stones or gravel. Mr. Jacobs explained it gives a better compacted base when it is done but still qualifies as pervious cover; stones spin out; kids aren't as apt to throw them as they are rocks; and they tend to stay in place better. Mayor Gatto said the shells are also a water control tactic.

Mr. Jacobs reported there was a minor fire in the Cologne fire house kitchen but no equipment was damaged.

Mr. Jacobs reported receiving an objection to the Malaga Road bid specs; that he offered to sit down and go through it with them if they wanted more information; a meeting is set up for Wednesday; it is not a formal hearing; and Mr. Smith already responded to the objection. Mr. Smith said it is for Malaga Road Section 2. Mr. Jacobs said the protest was on the design spec and not necessarily the bid. Mr. Smith said the bids received were reviewed but he is holding up on his recommendation until they go through the process with the contractor. Mr. Guishard asked how a 4½ inch two step process would be equivalent to a 3 inch one step process. Mr. Smith explained it is more than just the asphalt; it is also how the base is prepared that makes them equivalent; and they were determined to be equivalent sections. Mr. Jacobs said they hope to resolve it on Wednesday.

Mr. Sandman reported the Lake Lenape Dam contractor has been removed. He said he has formalized his recommendations; he will make them to the Dam Committee at their meeting on May 15th; per the contract they have agreed to go to mediation with Judge L. Anthony Gibson, Retired; preliminary document exchange has almost been completed; and he will probably report to the Committee in an executive session thereafter. He said there are issues as to whether the design is correct and whether the installation is correct.

Mr. Sandman reported he sent the letter recently received from COAH to the Township's Counsel Steve Eisdorfer; the Township and every other municipality got a similar letter last July telling them to send unspent funds to the governor; the Township made an agreement with the MUA and transferred its COAH funds that are dedicated for certain purposes to them; doing that took the funds out of the Township's account and protected them from re-capture by the State; Mr. Eisdorfer and Mr. Sartorio will work together to formulate a response similar to the one they did last July; and there should be no concern on the Members' part with regard to it. Mayor Gatto suggested Mrs. Link and Mr. Guishard contact Mr. Sandman if they want more history and background on this matter. Mrs. Dix said the funds are to be used for connection fees when the (COAH) units are built.

Mr. Sandman explained the Committee had a hearing and declared the Foxmoor at Hampton Court developer in default and authorized him to take action against the bonding company; he started that process;

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the bonding company came in and did a fair amount of work but some issues still aren't complete. He reported he received letters and a release from the bonding company last week stating that the bond was \$166,000; they spent \$125,000; they are tendering a check for the balance of about \$41,000 and they aren't taking any further action. Mr. Sandman recommended the Committee not execute or approve the release. He said he wants Mr. Smith to review the numbers and then he will give the Committee an opinion in letter form. Mr. Silva asked if the issue is that the basin isn't working. Mr. Smith said that is probably the biggest issue but there are also some landscaping and other minor issues related to site improvements. Mr. Silva asked if the bonding company hired the contractor to remediate the basin and if they had any obligation to make good on the work they performed based on their testing. Mr. Smith said the bonding company hired the contractor. Mr. Sandman said they are only obligated to construct it as it was designed. Mr. Silva said it was constructed as designed but there was no maintenance over the years when they were in the process of selling and building there. Mr. Smith explained they replaced material they removed with suitable fill material and it still doesn't function. Mr. Sandman said the Committee technically authorized him to litigate this and he is updating them on something they authorized him to do. He said the second issue will be what the Committee does with the money. Mayor Gatto asked Mr. Sandman to share the update with the homeowners.

Mr. Sandman reported the attorney for Tavistock returned his call on April 29th and indicated they are willing to do site improvements but don't know what to do with the basins. He said there is about \$300,000 in the bond and he was told all the basins are in Phase 1 which the bond relates to. Mr. Sandman commented on an e-mail from Anthony Sciacca indicating willingness to get together to discuss it and said he thinks they should. Mr. Smith said Mr. Sciacca is meeting with them. He said he thinks mitigation of the drainage in and around the dwellings is the most important issue to the residents; the basins are an issue but they don't create issues with the residents' property; grading and ponding around the houses and the final course of paving in Phases 3 and 4 are creating hardships for the residents.

Mr. Sandman reported Senator Whelan returned his call and the Senator's major concern on the Towing Bill was that 30 days may be too short a window. He said Assemblymen Amadeo and Brown are very receptive to the Bill and are going try to push it. Mr. Sandman said that if Mr. Merenich's opinion is accurate a number of towns in Atlantic County may not be following the law and he thinks the Committee has done everything it possibly can to alleviate the problem. Mrs. Dix asked if there was any way the Township could move on getting rid of totaled vehicles that are junk. Mr. Sandman said if the Bill passes it will take care of all the problems and in the interim there is a junk title that has to be applied for but there is some technicality for why the Township can't get them. Mrs. Dix commented on liability insurance being cancelled if a car is totaled and asked Mr. Sandman to look at whether the police department could be instructed not to require insurance if the Township is releasing a totaled vehicle.

Mr. Smith reported the 2013 Road Program bid was advertised today and bids are due May 16th. Mr. Jacobs said the 2014 Road Program list will be on the next agenda.

Mrs. Dix reported she, the Mayor and Mr. Silva attended the ribbon cutting for the new Riordan business on Main Street. Mayor Gatto said it will be a canine retail store/grooming salon.

Mrs. Dix commented on attending the funeral of former Mayor Frank Grieco and the viewing of Debbie Kraus's father.

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Mr. Guishard reported he met with Ingrid and Mr. Jacobs about conditions along the side of Route 50 in the area by the junkyard; they identified some things they would like to achieve; and they are trying to figure out the best way to accomplish them.

Mr. Guishard reported receiving more details on the specifications for lights for the field and that it will be going out to bid soon.

Mr. Guishard reported Jeremy Taylor put together a package for the HYAA volunteers that thanks them for what they are doing; expresses how important it is; and describes volunteer's responsibilities, coaches duties, and background check regulations. He said the lacrosse and soccer people looked at it too.

Mr. Guishard reported the Administrator and staff are working on the Veterans' set aside; there are a number of issues associated with it; one is how you determine they are qualified veteran bidders; the Township doesn't want to get into a situation where they are trying to qualify people because it takes a lot of resources. He said the County is doing some of that; the Federal Government does it; and the Township has to figure out how to leverage those things the best it can.

Mr. Guishard said he is disappointed that more progress hasn't been made in some of the Quality of Life issues; he would be happy to tackle it again because there are a lot of great things that can be done but the participation of the community is needed; and he thinks they can get it but there is no effective way to get word out.

Mrs. Link reported she proposed having a bike parade at the 200th anniversary celebration the day after the pooch parade and hopes it goes through. She reported her niece will be performing in concert at Young's Skating Center the second day of the celebration.

Mr. Silva reported he and Mrs. Dix attended a meeting with the South Jersey Transportation Authority (SJTA) Executive Director, its staff, several engineers and members of the police department regarding the proposal to close Cologne Avenue from Holly Street to the other side of the bridge. He said the first serious concern is economic because the Liepe Farm generates all of its revenue from June to October or November; if the bridge is closed it will almost put them out of business; and there are several other farm markets in that area; and they asked SJTA to consider doing the project after the farms' selling season. Mr. Silva explained the second concern is public safety and they feel very strong about not closing the entire bridge. He said Frank Mazzone, former Director of Public Safety and Warden at the County Jail, took a very strong stance on not closing the bridge in the interest of public safety. Mr. Silva said the Committee passed a resolution opposing the closing; appealing to SJTA to at least keep one side open if they have to close the bridge and asking them not to make any decisions without talking to the Township first; a lot of people are working on it; he thinks a lot of consideration will be given to the economic and public safety point of view; and they are waiting for SJTA to get back to them. Mr. Silva said SJTA apologized for not communicating it very well to the Mayor and Committee. He said everyone wanting the infrastructure taken care of and the Township isn't opposed to it but it seems it is usually done at the busiest time of the year. Mrs. Dix said if roads are being shut down it will make traffic more difficult on roads that are open. Mr. Silva said he thinks there are enough people in the Township to use their best judgment to work this through. Mayor Gatto said the Cologne Fire Department chicken BBQ is on June 1st and it is their major fund raiser every year. She said public safety is the main concern but the economic side cannot be ignored.

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Mayor Gatto commented on new businesses opening in town and wished them all success.

The Mayor congratulated Atlantic City Race Course (ACRC) on having record crowds at its 2013 Turf Festival. She explained Atlantic City Race Course is the only privately funded race track in New Jersey; the Racing Commission only supports State Race Tracks; and said that ACRC could run more days if they had more purse money. The Mayor suggested people write their legislators to have them implore the Racing Commission to support the Atlantic City Race Course.

Mayor Gatto commended the Scout Packs who are working on their "Leave No Trace" badges by doing roadside cleanup in conjunction with the Township Clean Communities Program. She commended the Staff, Lisa (Marcolongo) who coordinated the "Take Our Sons and Daughters To Work Day" and the students who participated.

The Mayor thanked Lisa for the great job she does in supporting the Township Committee as the Administrative Assistant.

Mayor Gatto reported Youth in Government Day is coming up at the end of May.

Mayor Gatto reported several fire departments have asked if the Township is going to move forward with electronic signs at each of the fire departments that would be centrally connected to get consistent messages out throughout the Township and allow local neighborhood messages and said she asked Mr. Jacobs to get information together to see if a multi-year plan can be put together. Mrs. Dix suggested not going in that direction if the Township is going to control it and that isn't acceptable to the fire companies. Mayor Gatto reported Paul LaRoche referred her to the NextDoor.com website that allows you to create a neighborhood boundary line and a private on-line network for the neighborhood. She reported she started it under NextDoorLaureldale.com and invited Laureldale residents to join.

Mrs. Link reported receiving an application from the Alpha Phi Omega fraternity at Stockton Collage to do Clean Communities service once a month.

Public Comment:

Lisa Liepe read a prepared statement regarding the closing of Cologne Avenue. In it she thanked the Mayor and Township Committee for supporting the local businesses and well-being of the families and making the Township a great place to live and County Executive Dennis Levinson and Board of Freeholders for forming a partnership to continue the success of the Township. A copy of her statement is on file in the Township Clerk's Office. Mrs. Liepe said the surveyor doing survey work on Cologne Avenue explained to her that they will probably start Monday to install drainage pipe. She said she also spoke to Arawak; they will do the paving after the concrete is installed; concrete installation will start at the bottom of the bridge towards the White Horse Pike; it will take approximately 3 weeks; the road is to be closed and traffic rerouted during working hours but will reopen in the evening; the road may remain closed at times during construction but police and fire officials will have access at all times; there will be another week for the final stage of concrete to come; Arawak will pave after that; that should take about 10 days; they estimate the project should take from Monday, May 13th through June 30th weather permitting; and Arawak said the road should be open for the fire company chicken BBQ. Mayor Gatto asked Mrs. Liepe to give Mr. Jacobs their contact information. Mrs. Dix said the drainage will be part of the paving of Cologne Avenue. Mr. Guishard commented on learning a lot from Mrs. Liepe's letter and asked if other farms were impacted. Mrs. Liepe said everybody is impacted but she and her family have the largest part of the farm. Mayor Gatto said the Committee is 100% behind Mrs. Liepe, all of the businesses, and the volunteers. The

Mayor said a bigger concern is who would respond to the Mall and some of the other big ratable in that area if Cologne Fire Department is blocked off.

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There being no further questions or comments from the public, Mr. Silva moved, seconded by Mrs. Link, 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 Mr. Guishard, that this meeting be adjourned.

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

ATTEST:

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