

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MAY 20, 2013

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Amy L. Gatto presiding. Members present were Aline Dix, Rodney Guishard and Roger Silva. Member Judy Link was absent. 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 the notice along with the agenda of 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 20, 2013 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed. Mayor Gatto asked commented on the sudden death of Millie Mangels, wife of former Mayor William Mangels, and asked the audience to remember the family.

DDR/Hamilton Commons presentation:

John O'Rourke, Regional Manager for DDR, reported ponds (drainage basins) #4, #3 west and #3 east at Hamilton Commons were dry when he walked them today; they performed very well with the precipitation over the weekend; he met at the site today with their engineer; they made several punch list type of suggestions; they are all minor; those ponds should be complete over the next week or 10 days; there has been some significant changes in the water table as a result of what they have done; they plan on doing maintenance work in the very near future; they are in touch with Mr. Smith on a regular basis; and they will continue the process until they are only looking at annual routine maintenance; they will have to start maintenance on what was done so far next year and they are putting it into their 2014 budget. He said he doesn't think they have anything approaching a hazardous condition there. Mr. Smith said he has been there a couple of times; their engineer is overseeing the work; the basins appeared dry when he went out after a significant rain event last week; he will monitor the basins after there is another substantial rain event to verify they are draining within 72 hours; once the basins are functioning DDR will implement routine maintenance to assure they continue to function; and they are looking at longer term plans to address the remaining basins on the Hamilton Commons and the Wrangleboro Consumer Square sites. Mr. Sandman said there is no reason to take further action because of the cooperation of DDR. Mr. Silva said they have made remarkable improvements there and the Township appreciates the fact that Mr. O'Rourke and his company stepped up to the plate. Mrs. Dix explained where the basins Mr. O'Rourke was talking about are and thanked Mr. O'Rourke for doing the responsible thing and said fortunately there were no tragedies because of the problems over the last 6 or 7 years. Mr. O'Rourke thanked the Committee their patience and for giving DDR the time to do it properly. Mr. Sandman commented on the concern being public safety and liability. He said DDR is not only doing what they should be doing but they are also accepting ownership for whatever happens in the future. Mr. O'Rourke said he will continue to e-mail Mr. Smith on what they are doing and will be happy to come back before the Committee in September.

Mayor Gatto invited all representatives of the school present to join her at the microphone. She read the following proclamation and presented a framed copy to Superintendent, Michelle Cappelluti.

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Township of Hamilton
ATLANTIC COUNTY, NJ

≈ *Proclamation* ≈

WHEREAS, The “Eat Right Move More” program, sponsored by the New Jersey Department of Agriculture, encourages schools in New Jersey to make significant changes to improve their school nutrition environment; and

WHEREAS, the “Eat Right Move More” program holds a competition each year to recognize schools that support and promote healthier food options, increased opportunities for physical activity, and efforts to promote overall student wellness; and

WHEREAS, on May 1, 2013, the George L Hess School was awarded Second Place in the State in the 2012-2013 “Eat Right Move More” competition, in recognition of the efforts of the Food Service staff, including Food Director Bill Trackman, Breakfast Specialist June Irwin, Lead Cook Colleen Csaszar, Kitchen Staff members Cheryl Rzasa, Lorraine Hitchner, Kris Houser, Elaine Burger, Helen Dearborn, Brooke North, Donna Giordano, Jack Ingersoll, and Bob Parsons, as well as the entire Hess School Community.

THEREFORE, WE, the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, on this day, May 20, 2013, hereby honor and recognize the staff and faculty of the

GEORGE L. HESS SCHOOL

for their service to the students and families of Hamilton Township. The Hess School Community is to be commended for their tireless efforts to promote nutritious food choices and physical activity in order to establish healthy habits that will stay with the students for a lifetime.

Jersey Shore Children’s Museum presentation:

Mayor Gatto said Jersey Shore Children’s Museum is looking to move into Hamilton Township and are looking for supporters and money. Kelly Lavigna, Vice President of the Museum Board, introduced Linda Szygula, Founder of the Museum, Mari Dattolo, Acting Director of the museum, and Ava Holly Lewis a Board Member. She gave information packets to the Committee, Clerk and Administrator and explained the museum was at Shore Mall for 9 years; they lost the location due to demolition of the back part of the Mall; they have a new location near Hamilton Mall; it is basically a bare warehouse now; they need \$50,000.00 to retrofit it; and as a non-profit organization they are looking for support from the community and businesses. Ms. Lavigna said there is nothing like the museum in this County; they will now have a store-front location; it will be near the Atlantic City Expressway; they hope a lot of out-of-towners will come to the Township to enjoy the museum, spend money at the Mall, restaurants, etc., and help with Hamilton Township commerce. She explained they are looking for business and family sponsors and are working on a South Jersey Idol competition for children in grades K through 8 to be held at ACCC on June 28th. Ms. Lavigna commented on the exhibits they had at Shore Mall and said they are looking to expand all of them at the new location and to have party rooms and a theater. Mayor Gatto commented on the types of donated services they already have and read a list of the different sponsorship programs people can participate in. Ms. Lavigna said people can keep up with their progress on their website on a blog that is on their website. Mr. Guishard asked where the museum will be located and if there was any estimate of what the traffic will be. Mr. Silva said it is the old Marshall’s Store. Ms. Lavigna said they had 25,000 visitors at their old location. Mayor Gatto said the new space will be quadruple in size.

2013 Capital Budget Presentation:

Mr. Jacobs explained the Capital Budget provides a funding source to purchase new and/or make improvements to existing assets that have a useful life of 5 years or more. He gave a slide presentation on the 2013 proposed Capital Budget that was video and digitally recorded and can be seen in its entirety on Channel 2. He explained the total debt will not increase because it includes \$1.2 million in new borrowing but \$2,760,000 in debt and a portion of the Bond Anticipation notes are being retired. Mr. Jacobs explained the recommendations on each slide: (1) \$1 million for road resurfacing, repair, drainage, curb & sidewalk with funding from the 2013 Bond Ordinance (2) \$120,000 for drainage & recreation improvements within Township parks with funding from the 2013 Bond Ordinance (3) \$80,000 for a Zetrone 911 system with funding from 2013 Bond Ordinance (4) \$80,000 for security glass and wall in Police Records and Municipal Court with funding from Bond Ordinance #1672-2010 (5) \$150,000 for bucket truck for Public Works Department with funding from 2013 Operating Budget Snow Reserve and Bond Ordinance #1672-2010 (6) \$70,000 for phone system hardware & software with funding from Bond Ordinance #1672-2010 (7) \$18,000 for hot water heater with funding from Bond Ordinance #1672-2010 (8) \$7,000 for a public address system with funding from Bond Ordinance #1672-2010 (9) \$400,000 for Liepe Park lighting and sports field development with funding from Developers' Off-site Recreation Trust and Bond Ordinance #1671-2010 Mr. Jacobs explained the phone system replacement project was discussed two years ago; the company for the existing system no longer provides support; they will go to another municipality to see it in service and get their input on it. Mr. Guishard asked if the phone system was a competitive bid. Mr. Jacobs said the one Steve has a price on is a State Contract. He explained the Developer's Trust Fund and Ordinance #1671-2010 have more than enough funds to get the lights up at Liepe Park and get the field started. Mr. Jacobs explained how the lights will be placed on existing poles to allow practice fields on both sides of the playing field. He said there is \$60,000 in the budget for the down payment on \$1.2 million in new borrowing and that he was looking for the Committee to authorize preparation of a \$1.2 million Bond Ordinance tonight; for authorization on June 3rd to proceed with capital projects not funded with the new Bond Ordinance; for introduction of 2013 Bond Ordinance on June 3rd; and the public hearing and adoption of 2013 Bond Ordinance on June 17th. Mrs. Dix asked if the reason for starting the Ordinance now is because they can't prepare specs and go out to bid until it is in place. Mr. Jacobs said it is because the funds need to be certified and that he wouldn't break the bond ordinance into pieces. Mayor Gatto asked if Mrs. Dix had a reason for not wanting to move forward now. Mrs. Dix said the bond ordinance authorizes the borrowing of money but it may be two years before the money is drawn down and asked why the Committee needs to start with a bond ordinance if they aren't anywhere near doing any projects. Mr. Jacobs explained there is probably \$100,000 in engineering costs for the 2014 road program; the roads in it have to be identified and some may have Pinelands issues; the Ordinance authorizes the borrowing but he doesn't expect it to ever go to permanent financing unless something changes in the way the Township is going now. Mayor Gatto said she thought Mr. Jacobs' team did a great job prioritizing the Township's needs; looking for existing funds available to meet those needs; and limiting the amount of debt because of the Committee's debt reduction plan.

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 to draft the 2013 Bond Ordinance in the amount of \$1.2 million as outlined in the 2013 Capital Budget presentation made tonight.

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

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There was no executive session and no executive session confirmations.

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 changes be made to the agenda for this meeting:

7.B Change to read: Final Ratification of public land sale to Charlotte Morey (Block 770/Lots 6, 7, 8, & 9) - balance of purchase price paid in full May 17, 2013

9.G Change to read Accept resignation of Michael Francis from Veterans' Advisory Board effective immediately.

---Change current 9.G to **9.H** and the number of vacancies to be filled from two to three.

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

---Presentations:

(1) Insert Children's Museum **before** the George Hess School presentation.

(2) Insert **between** George Hess School presentation and Capital Budget presentation: DDR/Hamilton Commons basins update.

7.J Authorize contiguous owner land sale ordinances for Block 1118/Lot 2, Block 1117/Lot 5, and Block 1117/Lots 1-3 & 8-21 with the following **Special Conditions on each:** (1) No structure on property offered for sale herein may be used or occupied for any purpose. (2) The Successful Bidder shall, at their own expense, demolish all structures on the property offered for sale herein, remove all debris and clean the property to the satisfaction of the Township within sixty (60) days of conveyance of title to them. (3) The requirement to demolish all structures and remove all debris shall survive closing. If the Successful Bidder fails to comply with said requirements, the Township shall take any and all actions reasonably necessary to compel compliance and said Bidder shall be responsible for all costs incurred, including without limitation, the Township's attorney's fees, costs of suit and all other costs or damages incurred by the Township and said costs, damages, and attorney's fees shall be and do hereby constitute a lien on the real estate being conveyed and, in addition, the Successful Bidder shall be individually liable.

<u>Block/Lot numbers</u>	<u>Lot size/location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
1118/2	25'x95' irreg. Memory Lane	GAL 1 acre	\$100.00
1117/5	0.11 acre Memory Lane	GAL 1 acre	\$100.00
1117/1-3 & 8-21	0.93 acre Memory Lane	GAL 1 acre	\$100.00

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Mayor Gatto said she wanted to recognize Connie Capone on being the Old Grad Award recipient for the County but Connie had already left. Mr. Silva said Connie is the first one from Oakcrest to receive the award. The Mayor explained Connie was taking video and pictures earlier for the 200th documentary being made at Oakcrest High School.

There was no early public comment on agenda items not listed for public hearing.

Mayor Gatto said she asked John Percy to bring his remarks from the 25th Davies School anniversary celebration and present them at the start of the Public Comment portion tonight. She said his words about William Davies were eloquent. Mr. Guishard said he told Mr. Percy it was wonderful; that he learned a lot about Mr. Davies; that he wants to learn more about him after Mr. Percy's presentation. Mayor Gatto explained she thought it would be part of the Township's history in the 200th celebration.

2014 Road Program:

Mr. Jacobs explained a list of candidate streets for the 2014 Road Program was sent to the Members a week or so ago; it is a large list; some of them probably won't get done in 2014; and his is looking for the Committee to endorse the list, change it, or approve a list so that the Engineer can do the cost estimates and start working on bid specs and design specs. Mr. Silva said he rode some of the roads with the Engineer and Administrator and he thinks the selection is good. Mayor Gatto named some of the areas included in the list and explained they try to pick roads in various sections of the Township so that no section gets neglected or a sense of favoritism. She said she thinks that approach worked and will continue to work. Mr. Guishard said he looked over the list, discussed it with folks and is in agreement. Mayor Gatto commented on continuing to look at number of houses, number of trip, condition of the road, the severity of the condition, public safety and things like that in the pavement management plan. Mr. Jacobs explained the reason for pushing the large lists is that if they go three years in advance and notify utility companies to get their work done it gives them a chance to get it in their budget. He explained some patching may be done on Atlantic Avenue but it probably won't be paved in 2014 because the MUA has a project in that area. Mr. Silva commented on the possibility of doing more roads on the list if the bids are good. Mr. Guishard commented on having gone to the highest priority places and said the Committee is doing the best they can with what they have. Mayor Gatto commented on the Township being the largest municipality in the State; having 116 square miles of roadways; and trying to get the most value out of the resources it has. Mr. Guishard commented on there being 300-some miles of paved roads; not all roads that need help are the Township's; and to keep that in mind when on those roads, particularly the road by the Mall. Mrs. Dix asked if the two lists on the front page and the back page were what the Committee was voting on. Mr. Jacobs explained the front pages are on hold for a utility project; some of the '13s will get pushed into '14; and some of '14s will get pushed into '15 but they will be kept in the order shown and they will do as much as they can with the money (available). Mrs. Dix commented on only 1 street in Harding Lakes being on the list and said people have lived there since 1955 and don't understand why their streets are in the shape they are. She said the MUA replaced water mains there in 1981 or '82 and it could be that long ago that some of those streets were paved. Mr. Jacobs explained all of Harding Lakes' streets were patched last year; 2 whole blocks were paved and another one will be paved in 2013. Mr. Smith said the block of Palmer and 2 blocks of Quinn were paved last year; a block of Reading (Avenue), a block of Rose (Blvd.) and another block of Palmer are being paved this year; and the gas company did a lot of milling and paving on Monmouth (Avenue). Mrs. Dix said Mr. Blankenship is working with the Road Department on some of the storm drains that have sunk. Mr. Silva said Mrs. Dix comments about Harding Lakes were good but if she drove through Mizpah she would understand that the 13 streets that are being considered in sections of Mizpah are in dire need. He said he thinks having a \$1 million a year road program in '13 and moving forward is significant; the Committee may be able to increase it if things get better over time; and if something of dire public safety arises, the Committee will address it. Mayor Gatto said attention has been given to Harding Lakes.

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 list of streets proposed for inclusion in the 2014 Road Improvement Program is hereby approved.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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Malaga Road Section 3:

Mr. Jacobs explained the Township received a \$187,000.00 grant and some Township money will go into the project in addition to the grant. He explained the Engineering is so high because the project cost estimate is \$300,000.00.

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 Item of Revenue with off-setting appropriations be inserted in the 2013 Municipal Budget:

Revenue Title: NJDOT Reconstruction of Malaga Rd. Section 3	\$187,000.00
Appropriation Title: NJDOT Reconstruction of Malaga Rd. Section 3	\$187,000.00

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

Mrs. Dix referred to the proposal being for a fixed fee and asked that "not to exceed" be added to the contract amounts. Mr. Smith explained they bill by the percent of work completed and they wouldn't invoice the Township for work not completed if the project is stopped. Mr. Guishard said he didn't see the difference. Mayor Gatto explained there is the potential the Township would be obligated to pay the full amount of the "fixed fee" but by adding "not to exceed" they bill against that amount of money by the percent complete. Mr. Jacobs explained that if something happened and the project was shut down, the Township wouldn't want to pay that full fee and said they have done it before but the rules could change if Mr. Smith or Mr. Walberg aren't there anymore. Mrs. Dix asked if there was a time table. Mr. Smith said if the Committee authorizes the contract tonight he will send the work order for the survey in tomorrow and hopefully can get it completed relatively quickly. Mr. Jacobs explained the contract for Section 2 is being held up because of a challenge and he hopes that will be worked out. Mr. Smith said he hoped it will be resolved by the time he has the Section 3 project ready for public bidding.

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 Remington & Vernick proposal dated May 7, 2013 for engineering services for Reconstruction of Malaga Road Section 3 for a total fee not to exceed \$44,000.00 is hereby accepted and the contract for same awarded to them as follows:

- Preparation of construction plans and coordination of public bidding for a fee not to exceed \$27,000.00.
- Construction inspection and contract administration for a fee not to exceed \$17,000.00.

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

Historical Society placing "Memorial Bricks" in War Memorial Park:

Mr. Jacobs explained there is existing sidewalk so a new one won't have to be built. He said the Society can buy the bricks from whoever they want to. Mayor Gatto explained it is a fund raiser for repair of the roof and other improvements by the Society to their museum/library; the Society is selling memorial bricks similar to the ones placed in the walkway by the Year 2000 Committee; they suggest they be placed around the fountain area in War Memorial Park; anyone interested in purchasing a brick can contact a member of the Society. Mr. Jacobs said that depending on the volume the Township Public Works

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Department could install them. Mrs. Dix said she would rather have Township Staff install the bricks for safety reasons and to minimize costs to the Society. Mayor Gatto the Society is one of the recognized community entities that the Township partners with.

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 Township of Hamilton Historical Society is hereby granted permission to place "Memorial Bricks" in Memorial Park on the east and west side of the fountain.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Russell Bongiovanni, Sr. presentation:

Mayor Gatto said Veterans' Advisory Board Chairman Russell Bongiovanni wanted to bring some things to the Committee's attention and gave Mr. Bongiovanni permission to ask Mr. Guishard, the Liaison to the Veterans' Advisory Board, a few questions relative to the Board. Mr. Bongiovanni said he is Chairman of the Veterans Advisory Board and that he would give a written copy of his presentation to the Committee Members. Mayor Gatto explained that he is to direct the questions to the Chair; the Committee Members are not obligated to respond if they don't have an answer or they can get back to him after the fact. Mr. Bongiovanni said his objective is to resolve the issues so they can move on and take care of the veterans. Mr. Guishard said this was news to him. Mayor Gatto said it is "the perceived issues". Mr. Bongiovanni said he would cut the series of questions he had down to a couple and it is fine if Mr. Guishard prefers not to answer them. He said that while Mr. Guishard was on Joe Griffies local veterans' program Bob Campbell called in and stated he was concerned about the Veterans' Advisory Board advertising the Memorial Day Celebration as only being 35 minutes long and that he was offended that a person would criticize the Veterans' Advisory Board on the radio and never approach the Advisory Board. Mayor Gatto asked if he was speaking of Mr. Campbell in that regard. Mr. Bongiovanni said he was. He asked Mr. Guishard what his response was when Mr. Campbell asked him what he felt about the Memorial Day Celebration only being 35 minutes long. Mr. Guishard said he thought the question was inappropriate because the radio program wasn't about that and that he hesitated a bit and then said that he didn't see a reason to limit the presentation to 35 minutes. He said he knows that Mr. Bongiovanni has made recordings of that and of other things that he is involved in; copied statements that he made; taken pictures of him; and done a lot of things to try to collect dirt. Mr. Guishard commented on Mr. Bongiovanni making a big point that he didn't think the celebration should be any longer than 35 minutes and said he didn't think that was necessary. Mr. Bongiovanni asked Mr. Guishard if he discussed his dissatisfaction with the Memorial Day celebration only being 30 minutes long with him as Chairman or any member of the of the VAB prior to going on the radio program. Mr. Guishard said he wasn't criticizing any of the Board's activities; that he has been very positive in all his relationships with the Board since he has been on it; that he isn't there to criticize or change what the Board is doing; that he had no reason to criticize limiting the Memorial Day celebration; that Mr. Bongiovanni has been adamant about limiting it to 35 minutes; that he was asked his feelings about it; that his answer was that he didn't see a reason to do that; and that he saw no reason to criticize the Board or Mr. Bongiovanni. He asked if that answered the question. Mr. Bongiovanni said it did but he wished Mr. Guishard hadn't done it on public radio. Mr. Guishard commented on being told that Mr. Bongiovanni has accused him on public radio of stealing signs. Mr. Bongiovanni said he didn't say that. Mayor Gatto said that what she heard from Mr. Bongiovanni is that he feels there is potentially an issue with something discussed at some time at the Veterans Advisory Board; then he heard discussion on the topic in another place that he

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hadn't heard from Mr. Guishard before as one of the liaisons; and he didn't feel he had an opportunity to potentially resolve the issue. She said that what she heard from Mr. Guishard is that he didn't feel it was really anything to get into a huge discussion on; he was asked a question and answered it honestly, not intending to be criticizing any of the actions at that point, and it was just to state his opinion on it when he was asked. The Mayor commented on the need to improve communication and make sure there is healthy debate on different topics. Mr. Bongiovanni agreed better communications are needed. He said that he copied Mr. Guishard on two e-mails he sent Bob Campbell asking him to attend Memorial Day Celebration; that Mr. Campbell still hasn't responded; he is trying to resolve issues but doesn't really know what they are. Mayor Gatto said the issues are that Mr. Campbell is a former Chairman and long-time member of the VAB; he made the comment to her that he didn't feel he was invited to the ceremonies; that she made it very clear to him that his is always welcome to any Township ceremonies just as any veteran or member of the community is; and that Mr. Bongiovanni personally made the invitation and hasn't heard back. Mr. Guishard said Mr. Campbell is one of the most consistent and most productive contributors to veterans in the county; he conducted these veterans' ceremonies for years; he has been asked by a number of other places to make a presentation and be part of the program, not just invited to attend; he is much more likely to go someplace where he is part of the program than he is to sit outside for a 35-minute presentation; and that may be why Mr. Bongiovanni hasn't gotten a response. Mr. Bongiovanni said he has extended his hand to Mr. Campbell several times and that he wants to resolve this publically because it is behind the scenes. He read part of 2 e-mails he sent to Mr. Campbell in November about attending celebrations and said he needs to know if Mr. Campbell is saying that he won't come unless he is invited. He said he is trying to bring all the veterans in town together without any caveats; to get together and celebrate. Mr. Guishard said it would help a lot if the politics and bickering were taken out of the Veterans' Board. He said some comment is made at every meeting about past Boards and Mr. Campbell in particular. Mr. Guishard said he didn't appreciate that every time Mr. Bongiovanni makes reference to him he says "you and Bob Campbell" like he is tied to Mr. Campbell's hip, is his lackey and can't think for himself. He said that is a lack of respect that Mr. Bongiovanni has shown him over the last few years. Mr. Guishard said he expects to see the camaraderie on the Board that they should see as veterans; they should treat each other with respect. Mr. Bongiovanni said the bottom line is to bring everyone together and stop those references. Mayor Gatto said the Committee has that commitment from both men. Mr. Bongiovanni said he hoped they had the same from Mr. Campbell. Mr. Guishard said Mr. Campbell isn't involved. Mayor Gatto said that is the issue; Mr. Campbell complains to others of not being involved and Mr. Bongiovanni is attempting to involve him but isn't getting a response. She said the issue right now is communication between the Chairman and the Liaisons to the Township Committee; there has been perception issues; they are putting all that behind them if she has the commitment from everybody; and they have great programs for the veterans and are moving forward with them. Mr. Guishard said he thinks the members of the Veterans' Board have done a great job; he isn't criticizing them; and that he will continue to attend and do what he can to help things be better for veterans. Mrs. Dix said everything was scripted to the minute at the Gold Medal Ceremony held on August 10, 2012; the Veterans' Day Ceremony was also scripted; it is precision because that is what the military does; and she expects a similar thing will happen on Memorial Day.

Public Hearing/Adoption - Ordinance #1745-2013:

Mrs. Anderson explained the person who requested it owns on one side and her son owns the other; everybody entitled to bid received a copy of the Ordinance, bid forms and instructions for bidding by certified mail. Jim Kerrigan asked where the street was located. Mrs. Dix explained is in the north west side of the Township out towards the Mizpah-Weymouth direction.

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There being no further questions or comments from the public, Mr. Silva moved, seconded by Mrs. Dix, that the public hearing be closed.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS, Ordinance #1745-2013 was introduced and passed first reading on May 6, 2013 and was duly advertised in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held on May 20, 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 #1745-2013 is hereby adopted.

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

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

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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 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.

May 20, 2013

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

ATTEST:

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

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

AMY L. GATTO, MAYOR

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

ORDINANCE #1745-2013 INTRODUCED AND PASSED FIRST READING ON MAY 6, 2013.
ORDINANCE #1745-2013 ADOPTED MAY 20, 2013.

Public Hearing/Adoption - Ordinance #1746-2013:

Mr. Jacobs explained it came from the Planning Board; it is a paper right-of-way; and is being abandoned to the abutting property owners. Mrs. Dix said it is in the area of Bears Head Road and Estelle Avenue.

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 PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS, Ordinance #1746-2013 was introduced and passed first reading on May 6, 2013 and was duly advertised in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held on May 20, 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 #1746-2013 is hereby adopted.

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

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

May 20, 2013

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.

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.

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

ATTEST:

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

AMY L. GATTO, MAYOR

May 20, 2013

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

ORDINANCE #1746-2013 WAS INTRODUCED & PASSED FIRST READING ON MAY 6, 2013.
ORDINANCE #1746-2013 ADOPTED MAY 20, 2013

Public Hearing/Adoption - Ordinance #1747-2013:

Mr. Jacobs explained it is reorganization of the supervisory roles in Public Works.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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

WHEREAS, Ordinance #1747-2013 was introduced and passed first reading on May 6, 2013 and was duly advertised in the May 8, 2013 issue of the Atlantic County Record for a public hearing to be held on May 20, 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 #1747-2013 is hereby adopted.

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

**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

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.

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP 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	"YES"	
GUISHARD	"YES"	
LINK		ABSENT
SILVA	"YES"	
GATTO	"YES"	

ORDINANCE #1747-2013 INTRODUCED AND PASSED FIRST READING MAY 6 . 2013.
ORDINANCE #1747-2013 ADOPTED MAY 20, 2013;

Mr. Jacobs explained the Division Chiefs will now report to Mr. Blankenship; the Ordinance eliminates one supervisory position in Public Works and moves it to Town Hall; they will still do some work for Public Works and also special projects and associated work.

Consent Agenda: Mr. Silva request Item 7.F be taken separately. Mrs. Dix requested that Item 7.J be taken separately.

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

RESOLUTION RATIFYING PUBLIC LAND SALE

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

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

WHEREAS at a public auction held on May 9, 2013 an offer of Five Thousand Dollars (5,000.00) was made by Charlotte Morey, whose address is 1132 Calhoun Avenue, Mays Landing, NJ 08330; and

WHEREAS no other bids were offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer Five Thousand Dollars (\$5,000.00) made by Charlotte Morey for the following described parcel of land be and is hereby accepted and the sale of same to her is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOTS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
770 / 6, 7, 8 & 9	125' X 122.5'	Decatur Avenue

SPECIAL CONDITIONS IMPOSED:

- (1) If a contiguous property owner is the successful bidder they must execute and record a Deed of Consolidation at their own expense to incorporate the entire parcel into their existing lot and submit a copy thereof to the Township Clerk.
- (2) This parcel shall never be developed nor shall any changes be made that would reduce its current permeability. The deed of consolidation shall state that no structure of any kind shall be erected or placed on Block 770, Lots 6, 7, 8 & 9.
- (3) These conditions shall be incorporated in the deed of conveyance.
- (4) Decatur Avenue is a paper street.

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to Charlotte Morey, 1132 Calhoun Avenue, Mays Landing, NJ 08030, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the April 27, and May 1, 2013 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

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

BE IT RESOLVED that License #15-2013 is hereby approved for Family Services on-premises 50/50 raffle to be held on June 15, 2013.

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

May 20, 2013

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 authorization is hereby given to release the \$9,000.00 Liberty Mutual Bond #070009174, a performance guarantee for T-Mobile Northeast LLC cell tower on Block 1135.01, Lot 10.01 contingent upon T-Mobile posting a 2-year maintenance guarantee in the amount of \$1,350.00 as recommended by Robert J. Smith III, Township Engineer dated May 10, 2013.

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

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 CFO is hereby authorized to release the \$ being held in escrow as a performance guarantee for Pioneer Properties for the Bank of America driveway apron project contingent upon Pioneer Properties posting a 2-year maintenance guarantee in the amount of \$986.25 as recommended by Robert J. Smith III, Township Engineer, dated May 10, 2013.

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

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 Fidelity & Deposit Company of Maryland bond #09103232 TR #8506 in the amount of \$20,728.62 is hereby accepted as a 4 year Stormwater Management maintenance guarantee for the Wal-Mart expansion project; and

BE IT FURTHER RESOLVED that Fidelity & Deposit Company of Maryland bond #09103234 TR #8506 in the amount of \$412,843.72 is hereby accepted as a 2 year maintenance guarantee for all non-stormwater management system components of the Wal-Mart expansion project.

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

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 release of Western Surety Company bond #71005155, the performance guarantee for Jerry & Son Excavating, Inc. for Reconstruction of New York Avenue Phase 3 is hereby denied as recommended by Robert J. Smith III, Township Engineer, May 14, 2013 due to incomplete punch list items.

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

May 20, 2013

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 release of Pennsylvania National Mutual Casualty Insurance Company bond #SB 0604583, the performance guarantee for RDA Construction Company for Repairs to the Municipal Building Front Steps and Wall is hereby denied as recommended by Robert J. Smith III, Township Engineer, May 14, 2013 due to incomplete punch list items.

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

Release of Wal-Mart performance guarantee:

Mr. Silva commented on the Engineer's notes in his letter for release of the performance guarantee; trucks unloading in the road when he goes through early in the morning; traffic being forced to go around them; having brought it to the attention of various people in Code Enforcement but he doesn't think anything has been done about it; and trailers with and without tractors being stored in the parking lot by Toys-R-Us. He commented on concern at the Planning Board meetings that the loading dock in the back was not going to be adequate to handle the volume that Wal-Mart proposed to do at that location. Mr. Silva asked what assurances the Township will have that Wal-Mart won't continue doing those things if the bond is released. Mr. Smith explained there are none and that they would have to cite them for violation of their site plan approval or code enforcement violations. He explained the only reason the recommendation for release of the performance guarantee was not held up is because those are not bond related issues; they are operational issues; they were mentioned in the letter because they are not in conformance with their site plan approval; and he copied Wal-Mart and Mr. Sartorio to bring them to his attention. Mayor Gatto asked Mr. Jacobs if Mr. Sartorio had reached out to Wal-Mart since the Engineer's letter was received. Mr. Jacobs said Mr. Sartorio told him today that Wal-Mart is anticipated to be before the Planning or Zoning Board for a site plan amendment but this is an enforcement issue. Mr. Guishard suggested getting an update at the next meeting. Mr. Sandman said it is an enforcement issue, not a performance bond issue; it can be made a Planning Board issue if they are going back for some amendment to their site plan and the Planning Board can put language in their Decision and Resolution that will add protection; if it is in put into the approval Decision and Resolution that this activity should not occur they can be cited for a violation and it would be handled in the Municipal Court. Mayor Gatto asked Mr. Jacobs to ask Mr. Sartorio to ensure that Code Enforcement has listed the formal complaint and to send a memo to the Planning Board to alert them of the issues observed by the Engineer and that they should take any follow-up action they deem appropriate. Mr. Smith suggested action could be postponed until the next meeting and still be within the 45 days of the date of his recommendation.

Mrs. Dix moved, seconded by Mr. Silva, that the date of the Engineer's recommendation as listed on the agenda be corrected to read April 25, 2013 and that it be noted the letter is date stamped as received on April 29, 2013.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Mrs. Dix moved, seconded by Mr. Silva, that release of Fidelity & Deposit Company of Maryland bond #09046932 TR #8097, the performance guarantee for Wal-Mart expansion project, be and is hereby tabled until June 3, 2013.

DISCUSSION ON THE MOTION: Mr. Guishard questioned the purpose of tabling the release since it has been established that those items are

May 20, 2013

not associated with the bond. Mayor Gatto recommended it be tabled because the Committee has the time to do so; the Township can offer a hand to them to correct some items observed before they get cited; and Mr. Sartorio can look at the Decision & Resolution and tell the Committee what it says. There being no further discussion on the motion, Mayor Gatto called for the vote.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABST acceptance of the maintenance guarantees (Agenda Item 7.G) AIN", ONE MEMBER ABSENT.

Mrs. Anderson explained that the Committee would have to rescind the resolution to acceptance of the Wal-Mart maintenance guarantees (Agenda Item 7.G) due to their decision to table release of the performance guarantee until June 3, 2013.

Mrs. Dix moved, seconded by Mr. Silva, that the following resolution be and is hereby rescinded due to governing body's decision to table authorization for release of the Wal-Mart expansion project performance bond until June 3, 2013:

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Fidelity & Deposit Company of Maryland bond #09103232 TR #8506 in the amount of \$20,728.62 is hereby accepted as a 4 year Stormwater Management maintenance guarantee for the Wal-Mart expansion project; and

BE IT FURTHER RESOLVED that Fidelity & Deposit Company of Maryland bond #09103234 TR #8506 in the amount of \$412,843.72 is hereby accepted as a 2 year maintenance guarantee for all non-stormwater management system components of the Wal-Mart expansion project.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Authorization for Contiguous Owner Land Sale ordinances:

Mrs. Dix asked for an explanation of special condition (1). Mr. Jacobs explained some of the language is standard in all sales to contiguous property owners; they are all small lots; there is a log cabin, 2 block buildings and 4 little shacks on them that have to be torn down; he has an opinion from Mr. Sandman that the Township can sell them and avoid liability with the requirement that the purchaser demolish the structures; an abutting property owner requested to buy them who has a demolition company and can tear them down at quite a savings. He said he thought the majority of the sales were going to be public sales. Mrs. Anderson explained that the father and son worked out something else after she and Mr. Jacobs met with the man this morning and the son is now asking for Lot 5 which is a separate line item in the tax records; he owns the house next to it; the father is asking for the other part of Block 1117; and that takes each one down to less than acre which makes them contiguous owner sales. Mr. Jacobs explained when the value of the land on unimproved roads and structure (demolition) costs they have negative value so the Assessor recommended a minimum bid of \$100.00 on each. He said it will save the Township money; they will go back on the tax rolls and are taxable again; and the purchaser takes on the liability. Mr. Sandman explained he can put into the deed of conveyance the obligation for removal and liability for removal (of the structures) within a specified period of time; a penalty provision in the event that doesn't happen; and the penalty clause should include attorney fees and costs if the Township incurs any. Mrs. Dix said that is already in the Ordinance. Mrs. Anderson explained the deeds will be gotten as soon as possible after this is done but the purchaser can't legally start until the deed is physically recorded. Mayor Gatto commented on the 60 days being from the date of conveyance of the title and the provision for penalties is included in the Ordinance. Mrs. Dix asked who records the

deed. Mrs. Anderson explained they pay \$425.00 when they put in the request that includes recording the deed and she makes sure they sign for the deed when it comes back (from the County Clerk). Mr. Sandman explained the title is conveyed once the original executed deed is handed to the County Clerk and marked filed. Mr. Guishard asked if there were any environmental issues. Mr. Jacobs said he wasn't aware of any and the Mayor said it is on the buyer because it is being sold "as is". Mayor Gatto explained the motion would be for the Ordinance as presented including the special conditions listed on the agenda.

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 authorization is hereby given for preparation of contiguous owner land sale ordinances for the properties listed below and with Special Conditions on each as set forth below:

<u>Block/Lot numbers</u>	<u>Lot size/location</u>	<u>Zoning</u>	<u>Minimum</u>
<u>Bid</u>			
1118/2	25'x95' irreg. Memory Lane	GAL 1 acre	\$100.00
1117/5	0.11 acre Memory Lane	GAL 1 acre	\$100.00
1117/1-3 & 8-21	0.93 acre Memory Lane	GAL 1 acre	\$100.00

Special Conditions to be place on each:

(1) No structure on property offered for sale herein may be used or occupied for any purpose. (2) The Successful Bidder shall, at their own expense, demolish all structures on the property offered for sale herein, remove all debris and clean the property to the satisfaction of the Township within sixty (60) days of conveyance of title to them. (3) The requirement to demolish all structures and remove all debris shall survive closing. If the Successful Bidder fails to comply with said requirements, the Township shall take any and all actions reasonably necessary to compel compliance and said Bidder shall be responsible for all costs incurred, including without limitation, the Township's attorney's fees, costs of suit and all other costs or damages incurred by the Township and said costs, damages, and attorney's fees shall be and do hereby constitute a lien on the real estate being conveyed and, in addition, the Successful Bidder shall be individually liable.

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

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 May 6, 2013 regular meeting be and are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 bills are hereby paid, the bill list total being \$1,509,726.56.

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

May 20, 2013

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 to advertise for a part-time Fire Prevention Inspector to fill an existing vacancy @ \$20.00 per hour and not to exceed 24 hours per week.

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

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 Ingrid Perez is hereby appointed the JIF Fund Commissioner effective May 21, 2013.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 Michael S. Jacobs is hereby appointed the JIF Alternate Fund Commissioner effective May 21, 2013.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 Ingrid Perez is hereby appointed Special Projects Manager @ \$67,000.00 per year effective May 21, 2013; and

BE IT FURTHER RESOLVED that the \$1,500.00 stipend to her for the Certified Public Works Manager certification is hereby rescinded effective May 21, 2013.

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

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 Brett Noll is hereby appointed Public Works Department Operations Manager @ \$57,000.00 per year effective May 21, 2013.

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

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 Sue Giberson is hereby appointed Public Works Department Deputy Operations Manager @ \$54,000.00 per year effective May 21, 2013.

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

May 20, 2013

Mrs. Dix moved, seconded by Mr. Silva, that the resignation of Michael Francis from the Veterans' Advisory Board effective immediately is hereby accepted and that letter of appreciation for his services be sent to him.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 John Keyes is hereby appointed to fill the unexpired term of Michael Francis on the Veterans' Advisory Board, said term expiring December 31, 2014.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

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 Dominic Francesco and Robert W. Lerner are hereby appointed to fill existing vacancies on the Veterans' Advisory Board for terms to expire December 31, 2013.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

Reports:

Mrs. Dix questioned the likelihood the Township will get what they need from the Centennial Insurance Company and New Jersey Property Liability Insurance. Mr. Sandman said he notified the Guaranty Fund as authorized last meeting; the gentleman he was dealing with in the liquidation said that is the first process; if they pick it up the Township will get a percentage of it and if not, the Township will be a general unsecured creditor in the liquidation. Mrs. Dix asked if the Township has to wait on the improvements at Thelma Heights. Mr. Sandman explained it is a very complicated issue at many different levels; Nancy Rainbow and Mr. Sartorio will get together with him on it; and he reported to Mr. Jacobs today that he estimates the time it will take to ferret out the issues will be significant. He said Nancy Rainbow tried to explain it to him today; it will take him a while to get educated on it; the approvals started in 2001 and go to 2008; there are different sections and bonds; there is a valid letter of credit on one section; and he needs time to deal with the issues. Mr. Smith said he and Nancy Rainbow are working with the developer to set up a meeting to go over the punch list and get the improvements completed with or without a bond. Mrs. Dix asked who the developer is. Mr. Smith explained it started out as Nathanson and his understanding is that Thelma Heights LLC took it over and is also the developer for Thelma Avenue and Danielle Court.

Mrs. Dix questioned the status of bid specs for the demolitions in Harding Lakes and on Market Street and if they have to be approved by ACIA because it is CDBG money. Mr. Smith said they will more than likely have to be approved by ACIA and that will change the bid documents because a lot of additional information is required to be included when CDBG money is used. He said they are working on the specs but the tank at Phillips Avenue has to be pulled before they can proceed with demolition of the two structures and they are currently soliciting proposals for that.

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Mr. Jacobs reported the Tax Assessor's Office may be closed on some days because one of the employees is going to be out for a while. He said it will be filled when possible; they will post the hours it will be closed; it may be closed all day if the remaining employee is sick or something; this will start in July.

Mr. Jacobs reported he asked Ingrid Perez to look into the energy audit that was brought up a couple of meetings ago; the Township received \$68,000.00 towards energy saving improvements throughout the building; they don't think it is worth pursuing right now between that and money saved in the co-op; most of the improvements recommended were made; and he recommends the Township not apply for that grant. Mrs. Dix said she thought it was free. Mr. Jacobs explained the Township has to put out the money and then get reimbursed.

Mrs. Dix on Mary Kelly's report "Emergency Plan sent to Administrator for review and comment" and asked if fire drills, earthquake drills, active shooter etc. were being developed. Mr. Jacobs said fire drills are being worked on. Mrs. Dix asked if threats of violence type of drills was something that should come from the Police Department. Mr. Jacobs said he isn't sure how you would prepare for that but will talk to the Chief and Risk Manager about it. Mayor Gatto suggested contacting the schools because they have color coded drills.

Mr. Guishard reported litter and the set-aside-program are being worked on and he will probably have something to report on the set-aside program in the near future. He commented on 600 volunteers in Egg Harbor City picking up 15 tons of litter on their clean up day. Mr. Guishard said is looking into something in the energy area and will report on it at another meeting.

Mr. Silva reported receiving an e-mail from the President of the Tavistock Homeowners' Association that they will be meeting with the developer on May 28th at 3 PM to go over their issues; he will attend as an observer; and he hopes the developer will start getting something done. Mr. Smith said there is a meeting with the bonding company the next day to review some of the improvements in Tavistock Phase 1.

Mr. Silva showed a sample of the T-shirt that will be handed out to all the residents at the 200th anniversary celebration.

Mayor Gatto reported the Cologne Avenue paving and drainage project was scheduled to start today; the road will not be closed every day; both lanes may be closed portions of the time while they are doing drainage work; one lane will always be open during paving; signage has been worked out to let people know the road is open, the businesses are open and the BBQ will be up and running on June 1st. She commented on the Township objecting to the SJTA bridge plan and reported they have reached an agreement with SJTA where they will patch and resurface it using a special material that will enable them to keep one lane open at all times; the work will start in July and take approximately 30 days; she received a call from Gerry DelRosso today and let him know the Township was very unhappy with their communications on the projects. The Mayor said Mr. DelRosso said all project notifications are sent to the Police Chief and Township Clerk; she has little confidence that is happening but if it, it has to be made sure that the communications in town hall are open and clear; she made it clear that she wants to sit at the table to make sure there is a very clear process for what needs to happen with projects that impact towns the County is doing work in and that this doesn't happen again. Mr. Jacobs explained there is a County paving project and a South Jersey Transportation bridge project; the bridge project will allow one lane with alternating traffic during working hours of 7 to 4; after 4 and on weekends both lanes will be fully open. He said the County did notify the Township of the paving but he has no documentation of notification of the drainage. Ms. Gatto said Arawak is telling residents one thing; the Freeholders know another thing;

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Mr. DelRosso knows something else and the Township knows something in between; it has to stop; and every hand has to know what the other is doing in order to be effective.

Public Comment:

John Percy commented on the cost to develop Underhill Park being \$100,000 compared to \$400,000 to do the same type of operation at Liepe today. Mr. Jacobs said the \$400,000 is just for lights.

Mayor Gatto asked Mr. Percy to read the remarks he made about Mr. Davies at the William Davies School 25th anniversary celebration. It was video taped and recorded and can be seen/heard on the Township website.

Russell Bongiovanni, Chairman of the Veterans' Advisory Board, said Chapter 94 of the Township Code states that a DD214 is required to for appointment to the VAB and suggested the person receiving an application look at the DD214 and if it says "honorable" give it back to the applicant and write on the application "honorable discharge verified; their name; and the date and everybody will be happy.

Peggy Capone commented on the School Board almost spending \$600,000 on an energy audit but contracted with Stockton College; Patrick Hossay is the contact person; they will do an evaluation of the facilities and make recommendations; the school entered a contract with them for up to \$10,000; that amount is lifetime and not contingent on having a contract forever. She said she was happy the Committee didn't explore the idea discussed tonight. Mr. Jacobs explained the Township already did the improvements with a \$68,000 grant. He asked if the state will reimburse the school. Mrs. Capone said they haven't explored that yet. Mr. Guishard asked there was any estimate of savings. Mrs. Capone said they don't have that yet.

Mrs. Capone commented on being the daughter of a veteran; attending Memorial Day Services; she understands the respect; 35 minutes is a long time; and they pack a lot into it.

Jim Kerrigan asked how many streets in Laureldale are on the Road Program. Mayor Gatto said there is one on this year's program and patching was just done on Holly Street. Mrs. Dix said it is 250' of Oak Street on the east side of Route 50.

Nathan Hall said he was pleased to see the reconstruction of Malaga Road and Weymouth appreciates it and look forward to the road being done properly. Mayor Gatto said it has been focused on section by section for years. Mrs. Dix read the list of streets in the Weymouth section that are on the 2013 Road Program. Mr. Guishard asked how the patch work on Malaga Road was coming along. Mr. Hall said it is cold patch and lasts a couple of weeks.

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

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

There being no further matters to be considered tonight, Mr. Silva moved, seconded by Mr. Guishard, that this meeting be adjourned.

MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING "AYE", NO "NAY", NO "ABSTAIN", ONE MEMBER ABSENT.

ATTEST:

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