

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JUNE 3, 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, 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 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 in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, June 3, 2013.

A moment of silence for private reflection was observed.

There was no executive session or confirmation of executive session.

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

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

8.A Insert names of businesses:

(1) Sport Clips - men's haircutting & sales of hair care products & sports memorabilia at Hamilton Commons.

8.H Approve transient vendor license for Jack Lyon & Sons equipment auction at Atlantic City Race Course on June 22 & 23, 2013.

10.A Change effective date to read June 4, 2013.

10.C Change effective date to read June 4, 2013.

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

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

Resolution supporting NJ Conference of Mayors opposition to removal of municipal bond tax exemption:

Mr. Jacobs explained that if pending federal legislation that will remove some or all the tax exempt status for municipal bonds is passed the Township's cost to borrow will go up because the Township does a bond when they borrow money; the interest rates on those bonds are cheaper because they are tax exempt; people buy them because they know they don't have to pay taxes on them; and the legislation proposes to alter the amount of the exemption they will get. He explained the Conference of Mayors requested support from the towns in opposing that legislation and if the Committee approves the resolution, they will join that coalition. Mayor Gatto said anything that increases the Township's costs is not a good thing and she thinks (opposing it) is worthy of support. Mr. Silva said he agreed. Mrs. Link asked what the current interest rate on municipal bonds is and what it would go up to. Mr. Jacobs explained interest on Bond Anticipation Notes is 3/4 of a percent; the current bonds are old and probably at 4%; and new borrowing is probably in the 3% range. He explained he doesn't know the magnitude of change so he didn't know what the impact will be but any change will increase the Township's

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cost to borrow which means the Township has to raise that money. Mr. Guishard explained he changed his opinion on this; it is one of many Simpson-Bowles recommendations to help with the federal budget deficit situation; he is not in favor of going against the Simpson-Bowles recommendation to eliminate that tax exemption; even though municipalities have to pay a little more, it is one of the tax loopholes that he thinks should be addressed; he thinks it is another exemption that adds to the national deficit that really isn't needed; and it is an exemption that only affects the upper 1%, 2% or 10% of the people who invest in municipal bonds. Mrs. Dix said she couldn't disagree with Mr. Guishard more; that Mr. Guishard sat on the school board in 1992 when the school district issued \$40,400,000 worth of school bonds; those bonds could have been bought by a pension fund, someone putting it in their IRAs or a host of different places; and it has nothing to do with the Warren Buffets, Bill Gates and anyone in the top 1% of income in the United States of America. She commented on the interest rate making school bonds, municipal bonds, authority bonds and county bonds attractive for people planning their retirement because they need to find ways to maximize their nest egg for retirement; and if this is one way to do that, she thinks the Committee needs to support the Mayors Association. Mr. Guishard said the principal reason he is against it isn't because he is against people of high income making more money, it is because it is tax revenues that the federal government no longer has access to. Mrs. Dix said they haven't had access to it. Mr. Guishard agreed that they haven't had access to it in the past and said that it is one of a huge number of exemptions in the tax law which are contributing to the situation we are in now; and he personally doesn't think it is a good idea. Mrs. Link said it is another way the municipalities are being unduly taxed and squeezed; they have to adhere to a 2% CAP; they haven't gotten their Energy Receipts; and she might agree with what Mr. Guishard said in theory but this isn't the place for that to take place. She said she thinks the exemption should continue because the municipality is supporting its schools, municipal road programs, its seniors, everything that is important to the community; and as they continue to eliminate their sources of revenue it is a squeeze on the municipality and isn't appropriate. Mr. Silva commented on looking at Mr. Guishard's and Mrs. Link's point of view but the municipality is struggling all the time; they listen to all the residents; and it won't go well for them if it gets to a point where they lower the interest on municipal bonds. He said the point about capital projects was well taken because the Township is putting people to work and bids are coming in favorable so they can do more. Mr. Silva said it is a tough balance; both sides have to be respected; but he is in favor of supporting the resolution. Mrs. Dix said New Jersey could end up being the losers because even if they started charging income tax on the bonds that are now tax exempt, it doesn't change what the other 49 states are doing.

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

RESOLUTION OPPOSING ELIMINATION OR CAPPING OF THE
FEDERAL TAX EXEMPTION ON MUNICIPAL BOND INTEREST INCOME

WHEREAS, proposals have been made at the federal level by Simpson-Bowles to fully eliminate the tax exemption for Municipal Bonds; by the Administration's FY-2013 and FY-2014 Budgets to cap the exemption both prospectively and retroactively at 28%; and

WHEREAS, the U. S. Senate Budget Resolution for FY-2014 included both full elimination of the exemption and the cap as revenue options; and

WHEREAS, enactment of either the Simpson-Bowles proposal or the Administration's FY-2013 and FY-2014 Budget proposals will result in significant increases in state and local government borrowing costs for infrastructure projects; and

WHEREAS, it would have cost the state and local governments an additional \$173 billion in interest expenses if the 28% cap had been in place over the last decade and an additional \$495 billion if the Municipal Bond tax exemption had been fully eliminated; and

WHEREAS, tax-exempt bonds have been in place for 100 years and is a great example of how the partnership between the federal, state and local government should work to finance schools, hospitals, roads, water and sewage systems, transit systems and other critical infrastructure,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Hamilton, Atlantic County, New Jersey does hereby join U. S. Conference of Mayors in urging the President and Congress to reject all proposals that will reduce or eliminate the federal tax exemption on interest earned from tax-exempt municipal bonds.

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

Spencer Estate offer to donate Lot 7 in Block 801:

Mr. Jacobs explained the Township doesn't own any property abutting the parcel but the county does; if the Township took it they would have to maintain it and would forfeit the little bit of taxes it collects from it now. He explained the recommendation is not to accept it and to leave it on the tax rolls or to send the offer to the County to see if they would be interested in it. Mrs. Dix explained where it is located and said she would rather table it until the next meeting, reach out to the County to see if they are interested in buying it and refer the estate to the people on Third Street for them to make a direct sale them if the County isn't interested. Mayor Gatto agreed with talking to the County first. She asked if Mrs. Dix wanted to table the matter or reject the offer and refer it to the County. Mrs. Dix explained her reason for tabling it was that the offer was made to the Township; the Township is a partner with the County on the parking lot; everyone recognizes the shortage of downtown parking; more parking could be needed if anything is done with Duberson School; and there are many reasons why parking could be the best use for the property.

Mrs. Dix moved, seconded by Mr. Guishard, that the offer made by the Estate of John Spencer offer to donate Lot 17 in Block 801 to the Township be tabled until June 17, 2013 and that the offer be referred to the County for their consideration.

MOTION CARRIED WITH MEMBERS DIX, GUSHARD, LINK AND GATTO VOTING "AYE", MR. SILVA VOTING "NAY" AND NO "ABSTAIN".

2013 Road Program contract award:

Mr. Jacobs explained the alternate bid is for miscellaneous striping and improvements along Underhill Park. Mayor Gatto commented on the bid coming in under the original budget of \$1 million. Mrs. Link asked if there was an issue with Arawak not providing a listing of projects completed in the last five years. Mr. Jacobs said the Township has had direct experience with them. Mr. Smith said it was one of the things he pointed out when he reviewed the bid but he didn't think the Purchasing Agent had an issue with it and if she did it wasn't brought to his attention. Mr. Jacobs said she didn't say anything to him and that Arawak did the first section of Malaga Road. In response to Mrs. Dix's question, Mr. Jacobs explained the balusters will keep people from pulling in where the parking signs are on Old Egg Harbor Road.

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

WHEREAS the following sealed bid proposals for the 2013 Road Program were received on May 23, 2013:

Arawak Paving Co., Inc.	Base Bid: \$797,800.00
7503 Weymouth Road	Alternate Bid 1: 41,700.00
Hammonton, NJ 08037	Alternate Bid 2: 14,700.00

Landberg Construction, LLC	Base Bid: \$960,776.00
P. O. Box 280	Alternate Bid 1: 48,706.50
Mays Landing, NJ 08330	Alternate Bid 2: 10,900.00

Asphalt Paving Systems, Inc.	Base Bid: \$962,233.00
P. O. Box 530	Alternate Bid 1: 49,761.00
Hammonton, NJ 08037	Alternate Bid 2: 19,930.00

A. E. Stone, Inc.	Base Bid: \$1,111,615.00
1435 Doughty Road	Alternate Bid 1: 54,878.00
Egg Harbor Township, NJ 08234	Alternate Bid 2: 20,965.00

and

WHEREAS the bids have been reviewed by the Township Engineer and Deputy CFO/Purchasing agent and they have determined Arawak Paving Co., Inc. 7503 Weymouth Road, Hammonton, NJ to be the lowest responsible bidder and recommended the contract be awarded to them for the Base Bid and Alternate Bid 1,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Arawak Paving Co., Inc. be accepted and the contract for same awarded to them in the amount of \$812,500.00 which shall include the Base Bid of \$797,800.00 and Alternate Bid 1 of \$14,700.00.

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

Extending Fleet Management & Maintenance contract:

Mr. Jacobs explained the contract covers maintenance of the Township vehicles and equipment; there were optional extensions in the bid for 2014 and 2015; he would like to do the option for 2014 only and doing the next year (2015) can be considered a year from now; change orders have brought the contract price in the bid down from \$463,000.00 to \$452,000.00; and there may be another amendment at the next meeting to add the non-certified work on fire trucks to the contract. He explained the police cars are the most expensive non-truck item and said they negotiated to have all police administrative vehicles like the Chief's and Detectives' pulled out and put in the "other vehicles" class which cut that price almost in half; a lot of small equipment was deleted; and the fleet has been reduced considerably. Mr. Jacobs explained G4S does the non-fire trucks equipment now; a request has been received to have them to do non-certified work on the fire trucks; it will go before the ESAB at their next meeting; if they recommend it, the change order for it will be brought to Township Committee for approval. Mr. Silva asked if Mr. Jacobs talked to the School Board. Mr. Jacobs said they did but found that they can't include them since it wasn't bid as a cooperative. He commented on the MUA and fire companies being borderline but they were included. Mr. Jacobs said he will make it more of a cooperative when it is rebid as long as it doesn't overwhelm the Township capacity to store vehicles. Mrs. Dix asked how liability would be mitigated if other towns were included. Mr. Jacobs commented on not wanting to get involved with other towns but being willing to work with the Board of Ed, MUA and rescue squad. He explained 20 or 30 vehicles have been dropped in the past couple of years; some were sold on GovDeals; some were reclassified; and it was decided not to carry some in the contract.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby exercise its Option under Bid #2011-03 and authorizes the extension of the Contract with G4S Integrated Fleet Service for Fleet Management and Maintenance for the calendar year, January 1, 2014 through December 31, 2014, in the amount of \$452,765.28.

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

Ordinance #1748-2013:

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 Ordinance #1748-2013 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 5, 2013 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on June 17, 2013 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE 1748-2013**

BOND ORDINANCE APPROPRIATING ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) IN BONDS OR NOTES OF THE TOWNSHIP OF HAMILTON FOR CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the apportionment made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000), including the aggregate sum of SIXTY THOUSAND DOLLARS (\$60,000) as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and now available by virtue of provision in a previously adopted budget or budgets of the Township for down payment for capital improvement purposes, and including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) pursuant to the Local

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Bond Law of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated cost of such purposes, and the estimated maximum amount of bonds or notes to be issued for such purposes, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Various Municipal Roadway Improvements, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, striping, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with plans and specifications heretofore or hereafter filed in the office of the Township Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,000,000	\$950,000
(b) Construction of various improvements to the Township's recreation fields and parks, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$120,000	\$114,000
	\$80,000	\$76,000
(c) Purchase of various public safety communications equipment.		
TOTALS	\$1,200,000	\$1,140,000

The excess of the appropriations made for the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payments for said purposes.

Section 4. In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Township in a principal amount equal to the said principal of bonds not exceeding ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as he may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Committee of the Township at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Township may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **10.30 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and an executed copy has been electronically signed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

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(d) Amounts not exceeding TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the construction or acquisition of the improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 6. The Township hereby certifies that it has adopted a capital budget. The applicable capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and available for public inspection.

Section 7. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "control group" as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication of a summary thereof after final adoption, as provided by the Local Bond 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 GATTO, MAYOR

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

ORDINANCE #1748-2013 INTRODUCED & PASSED FIRST READING JUNE 3, 2013.

Introduction of Ordinances #1749-2013, #1750-2013 & #1751-2013:

Mr. Jacobs explained the Township took ownership of these properties because taxes weren't paid; most of them have structures on them that are in disrepair, unsafe and some are hazardous; an abutting property owner that has a demolition company is interested in buying them with the understanding he has 60 days to demolish the structures and clean up the property and that will save the taxpayers from doing it. Mrs. Link said there is a bee colony there; that she and Mr. Guishard spoke to a person who is interested in securing the bee colony; and asked what problems there are with that. Mr. Jacobs commented having determined on the record that the structures are in peril of collapse and said he would be concerned if the person has to go inside; there wouldn't be as much concern if he can lure them from the outside as long as it is a licensed business with insurance; and he has to talk to Finance to see if it has to be bid. Mayor Gatto suggested going ahead with the land sale and putting the new owner in touch with that person. Mr. Jacobs commented on it being a seasonal issue and Mr. Silva said it has to be done by July. The Mayor said the public hearing and potential adoption is June 17th. Mr. Guishard commented on the issue being that the Township still has the liability and asked if the person could sign a release. Mr. Jacobs explained he didn't know if that would protect the Township because it is already on record that it is dangerous. He said he would be glad to talk to him.

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 #1749-2013 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 5, 2013 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on June 17, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1749-2013

AN ORDINANCE AUTHORIZING THE SALE OF LOT 2 in BLOCK 1118, 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 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>
1118 / 2	25' X 95' irregular	Memory Lane	GAL	\$100.00

SECTION 6. SPECIAL CONDITIONS: (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.

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

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

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

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

ATTEST:

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

AMY L. GATTO, MAYOR

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

ORDINANCE #1749-2013 INTRODUCED AND PASSED FIRST READING ON JUNE 3, 2013.

Ordinance #1750-2013:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1750-2013 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 5, 2013 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on June 17, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1750-2013

AN ORDINANCE AUTHORIZING THE SALE OF LOT 5 in BLOCK 1117, 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 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>
1117 / 5	0.11 acre	Memory Lane	GAL	\$100.00

SECTION 6. SPECIAL CONDITIONS: (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.

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.

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

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

AMY L. GATTO, MAYOR

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

ORDINANCE #1750-2013 INTRODUCED AND PASSED FIRST READING ON JUNE 3, 2013.

Ordinance #1751-2013:

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

moved, seconded by , that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1751-2013 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 5, 2013 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on June 17, 2013 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1751-2013

AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1 THRU 3 AND 8 THRU 21 IN BLOCK 1117, 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 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>
1117/1-3 & 8-21	0.93 acre	Memory Lane	GAL	\$100.00

SECTION 6. SPECIAL CONDITIONS: (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.

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.

ATTEST:

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

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

AMY L. GATTO, MAYOR

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

ORDINANCE #1751-2013 INTRODUCED AND PASSED FIRST READING ON JUNE 3, 2013.

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 the Business Registration License for Sport Clips, a men's haircutting, hair care products and sports memorabilia sales at Hamilton Commons is hereby approved.

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

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 the following item of revenue with off-setting appropriations be inserted into the 2023 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: Safe and Secure Communities Program	\$60,000.00
Appropriation title: Safe and Secure Communities Program	\$60,000.00

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

June 3, 2013

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 the following item of revenue with off-setting appropriations be inserted into the 2023 Municipal Budget pursuant to N.J.S.A. 40A:4-87:

Revenue Title: Clean Communities \$66,396.63
Appropriation title: Clean Communities \$66,396.63

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

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 Pyrotechnico is hereby granted permission to hold a fireworks display at the Atlantic City Race Course on July 6, 2013.

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

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 Travelers Casualty & Surety Company of America bond #105936454, in the amount of \$1,350.00, is hereby accepted as a 2-year maintenance guarantee for T-Mobile Northeast cell tower site improvements on Block 1135.01 Lot 10.01.

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

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 Change Order #2 to the G4S Integrated Fleet Services LLC contract for Fleet Management and Maintenance is hereby approved:

TOWNSHIP OF HAMILTON CHANGE ORDER

Project: Fleet Maintenance & Management Services
Owner: HAMILTON TOWNSHIP
6101 Thirteenth Street
Mays Landing, NJ 08330

Date of Prepared: May 22, 2013
Contractor: G4S Integrated Fleet Services, LLC
4800 Overton Plaza, Suite 380
Fort Worth, TX 76109

Contract for: CO #2 Annual Adjustment Fleet

Original \$1,042,567.49

Contract Resolution: 6/3/2013

Date: 6/3/2013

You are directed to make the following changes in the Contract Documents:

Description:

Insert Attached Fleet Listing as Inventory.

This List supersedes all previous Inventory Listings and establishes a number of unit schedule for each class

This Change Order Changes the monthly payment to \$36,658.36 effective upon acceptance of this change order until 12/31/13.

Class	Description of Class	Original Contract Number of Units	Change Order #1 Number of Units	Change Order #2 Number of Units	Final Number of Units
1	Miscellaneous Equipment	42	34	-26	50
2	Light Vehicles/Other	17	6	11	34
3	Trailers	13	0	-1	12
4	Marked Police Cars	48	0	-11	37
5	Medium Equip,ent/Vehicles	31	3	-6	28
7	Heavy Equipment/Vehicles	9	0	0	9
8	Heavy Special Equipment	11	0	0	11
		171	43	-33	181

CHANGE IN CONTRACT PRICE (\$):
 Original Contract Price: \$1,042,567.49

Amount of previous Change
 Orders: \$17,562.69

Contract Price prior to this
 Change Order: \$1,060,130.18

Net increase (decrease) of
 this Change Order: -\$19,698.14

% of Change -1.86%

Contract Price with all
 approved change orders : \$1,040,432.04

CHANGE IN CONTRACT TIME (days):
 Original Contract Time: XXX Calendar Days
 Notice-To-Proceed:

Net change from previous
 Change Orders: n/a

Contract Time prior to this
 Change Order: XXX Calendar Days

Net increase (decrease) of this
 Change Order: XX Calendar Days

Contract Completion Date:

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

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 a transient vendor license for Jack Lyon & Sons equipment auction at Atlantic City Race Course on June 22 & 23, 2013 is hereby approved.

RESOLUTION ADOPTED WITH MEMBERS DIX, GUSHARD, LINK AND SILVA VOTING "YES", NO "NO" MAYOR GATTO "ABSTAINED" DUE TO HER FATHER'S EMPLOYMENT AT THE RACE COURSE.

Release of Wal-Mart expansion project performance bond:

Mr. Silva commented on this being deferred for several meetings because there were some Engineer comments about the property. Mr. Smith explained the comments are unrelated to the actual performance bond but the Committee chose to defer it until they got some answers with regard to the observations and that he hasn't heard anything. Mr. Silva said they are still doing the same things. Mr. Jacobs explained Mr. Sartorio said today that he spoke to someone in their main office; they are going to apply for a use variance to store goods on the parking lot; they will remove the clothing bin; and they have been notified of all the violations. Mr. Silva said there was a lot of discussion at the Planning Board hearings about the loading dock not being adequate to handle the volume of what is coming to that store; there has been a lot of unloading of trucks in the truck lane behind the store; it creates a problem because a lot of people travel through that area and sometimes it is completely blocked off. He said that may not have anything to do with release of the performance bond but they don't seem to want to do anything about it. Mr. Silva said tractor trailers are being parked in the lot by Toys R Us closest to Route 40 he doesn't think it was intended to have that. Mrs. Dix said she made a point of going there because of Mr. Silva's comments; the parking lot behind Toys R Us is virtually empty in the middle of the afternoon so it may be a staging area during the middle of the week for trucks waiting to get in line to go to the loading docks. She commented on landscaping supplies stockpiled in the parking lot and people walking through the lot to look at them. Mr. Silva said they have been doing what Mrs. Dix referred to about the landscaping stuff for years. Mr. Guishard asked if it was a public road. Mrs. Dix said it is part of their property. Mr. Guishard asked what leeway the Township has since it is part of their property. Mr. Sandman explained that under the Municipal Land Use Act the Engineer certified completeness; that triggers release of the performance bond and requirement for maintenance; and those things are for protection that the project is built as approved. He explained that if this was discussed at the Planning Board level and appears in the minutes and in the Resolution, the remedy is to a zoning violation; a summons is issued and it goes to municipal court; and every day it goes on could be a violation. Mr. Sandman said that in his opinion once the Municipal Engineer made the certification that he did, the Township Committee is required to release the bond. Mayor Gatto explained her point of view is that the Committee has to move forward with this because it is an independent issue; Wal-Mart has been made aware and said they are doing something

June 3, 2013

about it; they should be given some amount of time to do what they say they are going to do and if they don't, cite them with a violation. Mr. Silva said he brought it up because the Engineer made those observations and he thinks the Committee would be remiss if they didn't pay any attention to it. Mr. Sandman recommended giving them a time and citing them if it continues to go on. He said they are an asset to the community and the Township wants to be and is a good host community but the Planning Board sets the rules and the Committee should support their efforts. Mr. Sandman explained it will weigh heavily on how the next Decision and Resolution is drafted if they were cited for a number of violations and went to the Zoning Board for a use variance. Mrs. Dix questioned how a property owner can go to a different Board and try to change what a prior board did. Mr. Sandman explained they went before the Planning Board for site plan approval and if they come back for a modification that requires a change in use, they would go before a different Board. Mr. Jacobs questioned what the Committee was asking the Planning Board to do if the Board knew this was going to happen and approved it. The Mayor said the Committee wasn't asking them to do anything. Mrs. Dix said it had to do with timing of their deliveries so they have proper use of their property and not clogging the street. Mr. Smith said he thought it was indicated that they were staging in the adjacent commercial property's parking lot and there is a parking lot next to Toys R Us that is pretty much vacant 24/7. Mr. Jacobs asked if the Committee would be okay with that. Mr. Smith said he didn't think the Committee can authorize that because it is a public parking lot and Wal-Mart would have to have some kind of arrangement with Toys R Us. Mrs. Dix said if they are waiting for their turn at the loading dock, they may be gone by 8 o'clock in the morning. Mayor Gatto commented on having things that are allowed to be done on the property; and if they are doing something that isn't allowed, the Committee has to fight just as they would anybody else.

Mr. Guishard 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 #09046932 TR #8097, the performance guarantee for Wal-Mart expansion project is hereby authorized to be released contingent upon Wal-Mart posting the following maintenance guarantees as recommended by Robert J. Smith III, Township Engineer April 25, 2013.

- (1) 4 year \$20,728.62 guarantee for stormwater management system.
- (2) 2 year \$412,843.72 guarantee for all other improvements.

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

Mr. Guishard 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 Fidelity & Deposit Company of Maryland bonds are hereby accepted for the Wal-Mart expansion project:

- (1) \$20,728.62 Bond #09103232 TR #8506 a 4-year stormwater management system maintenance guarantee.
- (2) \$412,843.72 Bond #09103234 TR #8509 a maintenance guarantee for all other non-stormwater system improvements.

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

June 3, 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 the minutes of the May 20, 2013 regular meeting are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH MEMBERS DIX, GUSHARD, SILVA AND GATTO VOTING "AYE", NO "NAY", MRS. LINK ABSTAINED DUE TO NOT BEING PRESENT AT THAT MEETING.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered to be paid, the bill list totaling \$711,678.59.

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

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 Lizbeth DeLorenzo is hereby appointed to fill the full-time Records Clerk position vacancy in the Hamilton Township Police Department at \$28,125.53 per year effective June 4, 2013.

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

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 Nicole Adams is hereby appointed to fill the part-time Records Clerk position vacancy in the Hamilton Township Police Department at \$13.85 per hour contingent upon successful completion of a background investigation.

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

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 Adrian Ohnemuller is hereby appointed to fill the Full-time Communications (Dispatcher) position vacancy at \$36,198.83 per year effective June 4, 2013.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Brendan Hanley is hereby appointed to fill the part-time Class II Special Law Enforcement vacancy in the Hamilton Township Police Department at \$14.38 per hour contingent upon successful completion of a background investigation.

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

June 3, 2013

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

BE IT RESOLVED by the Township Committee of the Township that the following persons are hereby appointed to the positions stated and at the salary stated for the 2013 COVE season effective June 20, 2013:

<u>STAFF MEMBER</u>	<u>POSITION</u>	<u>SALARY</u>
Kelly Suckiel	Cove Day Manager	\$13.25 per hr.
Devon Hausmann	Substitute Cove Day Manager	\$13.00 per hr.
Alexander Hand	Lifeguard	\$9.25 per hr.
Devon Hausmann	Lifeguard	\$9.25 per hr.
Kelly LoSasso	Lifeguard	\$9.25 per hr.
John Weber	Lifeguard	\$9.00 per hr.
Donna Giardina	Beach Badge Checker	\$8.00 per hr.
Shannon Suckiel	Beach Badge Checker	\$7.50 per hr.

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

Mr. Jacobs explained there are two relatives but the Nepotism Ordinance doesn't apply because they are different types of position.

Reports:

Mrs. Dix questioned the status of bids specs for the demolition projects. Mr. Smith said they said they were both submitted to ACIA for their review.

Mrs. Dix commented on the Administrator's report on the first fire drill and Mary Kelly's report on coordinating Active Shooter training for administrative staff. She asked if any other drills were contemplated. Mr. Jacobs said the Active Shooter was just training, not a drill. Chief Tappeiner explained Sgt. Guerrier is on the County SWAT Team; has a lot of experience in the area; will give the most up-to-date and recommended training; and that if a policy is going to be developed on it, Sgt. Guerrier will assist with it.

Mr. Guishard reported he and Mrs. Link attended the Pinelands Orientation event and the Best Practices and Government Law session. He said that the Pinelands presentation was very interesting and he recommended that anyone who has a chance should attend it.

Mrs. Link commented on Pinelands trying to make things more efficient and said that any improvement, expansion, construction or reconstruction of any structure accessory to a single family dwelling or things that are strictly for an agriculture or horticulture purpose don't need an application to the Commission. She reported they are proposing efficiency measures in application fees and procedural improvements and suggested keeping an eye on these items because they will help the Township to help the constituents. Mrs. Link expressed condolences for Frank Lautenberg and said he did a lot of non-partisan things and had a very long history as a businessman of fighting for the common person.

Mr. Silva reported all the Members were at Youth in Government Day and commented on how attentive the students were. Mr. Silva reported that there will be interviews on Friday and Saturday for police officers to replace the two that left. Mr. Silva reported the County is going to repair the lighthouse on Lake Lenape. Mr. Silva reported he and Mr. Smith attended a meeting at Tavistock; walked the property; and the developer did not show up. Mr. Smith said he called the developer the next day and there was miscommunication - the developer thought the meeting was on the 30th; the homeowners' representative thought it was on the 28th; and it is being rescheduled for next week. He reported he met the bonding company and is preparing a preliminary punch list for Phases 1 and 2. Mr. Smith reported the bonding company has no objection to completing the site improvements, repairing damaged sidewalk, landscaping and finishing the paving. He explained that the only issue they had was with the basins; they are

taking the position that they have met their obligation if they were built in accordance with the approved plans; they did say they were still open to discussion and doing some work on the basin if the developer's engineer came up with some remedies that would facilitate the basins draining; now the onus is on the developer to come up with a plan and that hasn't taken place. Mr. Silva asked if there was any way the developer could do maintenance on the basins now after not doing any for 10 years. Mr. Smith explained the developer is responsible for assuring the project was developed in accordance with the approved plans; maintenance is an issue; routine maintenance may have some impact on some of the basins; and he doesn't think routine maintenance on the majority of the basins is going to alleviate the problem. Mr. Silva asked if they are obligated to do soil borings when they are building the basins and what they discovered if they are because he understands there was 30' of clay in some of them. Mr. Smith explained they undertook a geotechnical investigation several years ago to see what was in the area; they did borings around some of the basins; there were extensive clay layers beneath some of them; and the developer is responsible for doing test pits or soil borings in the area of the basins. He said the design is only as good as the data you get from the borings; they couldn't take that into consideration in their design if they didn't encounter unsuitable materials; and, not knowing what was originally submitted in 1999-2000, it is difficult to tell. Mrs. Dix commented on the roads not having the finished paving although they have 95-98% CO's and she asked if the responsibility for roads is on the developer.

Public Comment:

Ken Messina said he is a resident of Hamilton Township and a representative of Asphalt Paving; he was disappointed that the Malaga Road project that he was the apparent low bidder on wasn't on tonight's agenda; and he was disappointed to see that the protestor of the award of the Malaga Road bid was awarded an \$800,000.00 contract tonight. He said the protest is meritless for a lot of reasons; he is sure he will have a chance to spar with Mr. Davis and his clients when the time comes; he believes the protest is just another attempt by Barrett Asphalt to monopolize paving in the area; he believes the Committee will see litigation against Barrett Asphalt for that in the imminent future. He commented on the danger when the Engineer's estimate is \$1 million being that a lot of things can happen when you bid lower than you can do the work. Mr. Messina commented on 5 years experience being left out in this bid particular bid and understanding that they have worked for the Township and the Township has had good experience with them. He said maybe they left out the 5 years experience inadvertently and maybe they didn't; maybe there's something in those 5 years they don't want the Committee to know about; maybe it has something to do with problems they've had with New Jersey DOT or other municipalities they've worked in. He said you get low bids because there are other bidders. Mr. Messina commented on having seen the letters and heard of some of the conversations that existed and said none are true. He said it bothers him when there is only one bidder on a project. Mr. Messina said Barrett Asphalt has successfully monopolized paving in the area by how they price their purchasers and in their bid. He said it won't last long when bids come in that low and there is only one bidder because it goes from a monopoly of convenience to predatory pricing at some point in time; the Township will be forced to pay more money because people won't be interested in bidding because they were bullied and pushed around; and this is an attempt by Barrett to further monopolize paving in Hamilton Township. Mr. Messina said he wanted to get that on the record and looks forward to the next meeting when they get to discuss Malaga Road. Mrs. Dix asked if the Committee was going to have a bid protest hearing at a future meeting. Mr. Jacobs explained it wasn't dealt with tonight because he had to go to the Conflict Attorney; it is with the attorneys now; like any challenge it has to be handled properly and there is a step-by-step process; he is waiting for an opinion from the attorney on whether or not it will get to that (a bid protest hearing); so he doesn't want to comment on the merits of the protest. Mrs. Dix asked if there was going to be a hearing where the Committee would be the hearing officer or it would be handled elsewhere. Mr.

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Jacobs said he thought the Purchasing Agent, not the Township Committee, would be the hearing officer. Mrs. Dix said if there is going to be a hearing she intends to attend and view it.

Elmer Ripley asked if the County or State was contacted about redesigning or doing something about the whole Sugar Hill intersection. Mr. Jacobs explained the Committee adopted a resolution and sent the problem statement to them a long time ago. Mrs. Dix said they will be working on the 559 bridge overnight on Wednesday. Mr. Ripley asked if anyone ever noticed the trash in the Festival Mall area. He said he keeps complaining about speeding on Old Egg Harbor Road and nothing is being done. He asked about speed bumps. Mr. Jacobs explained the bumps slow down fire trucks, police cars and rescue vehicles too; private roads are different but some towns don't allow them even on roads. He explained putting speed bumps and speed tables on Egg Harbor Road was looked at but the traffic engineer doesn't recommend it. He explained 25 MPH speed limit signs are going to be painted on the road and signs with flashing lights indicating you are entering a Township Park are going to be put up in the Underhill Park section. Mr. Ripley said the issue is between Route 40 and the Park and also speeding on Main Street. Mayor Gatto suggested Chief Tappeiner set up a subcommittee be put together and get the County involved to talk about things that can be done. Mr. Ripley commented on being told by Mr. Sartorio there is a surplus of trees (from the Reforestation Grant) and suggested consideration be given to putting some on Main Street to replace the two or three that were wiped out by the Derecho storm. Mr. Jacobs said a committee will be put together to consider all of that. Mr. Guishard said he thought Mr. Ripley's idea about Main Street was a good one.

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

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

There being no further matters 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